

CIVIL GOVERNMENT
OF
PENNSYLVANIA

C. L. GRUBER

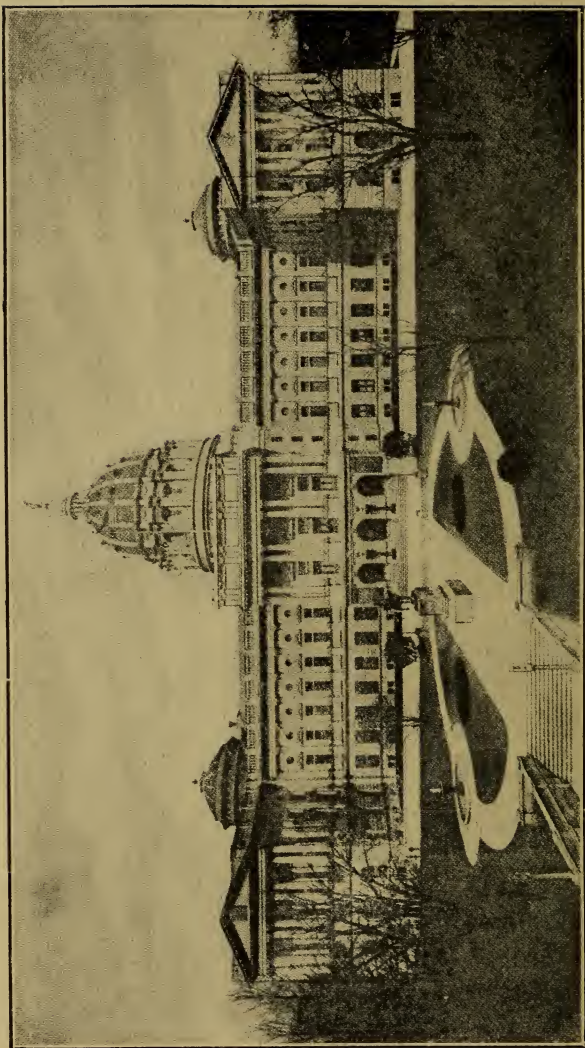


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THE PENNSYLVANIA STATE CAPITOL BUILDING

The Government
OF THE
State of Pennsylvania
INCLUDING
Local Government

Calvin Luther BY
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PREFACE

An act of the General Assembly of Pennsylvania, approved May 21, 1901, provided "That after the first Monday of June, one thousand nine hundred and two, no teacher in this Commonwealth shall receive from a county, city, or borough superintendent, a certificate as a teacher who has not a fair knowledge of civil government, including State and local". This act had the effect, indirectly, of placing civil government in the curriculum of most of the schools. The act also gave due prominence to the study of State and local government, the study of which was too often neglected, viewed briefly and hurriedly, or overshadowed by a disproportionate discussion of national government or foreign governments.

The study of the national government is in no wise complete without a proportional study of State and local government, since these are after all but a part of the general system of national government. State and local government are as rich in detail as national government is; and it is this fact that renders it a difficult matter to write a textbook on State and local government presenting the essential facts, conditions, and principles without making it too cumbrous. It is the object of this textbook to place the study of State and local government in its proper rank by a more extensive discussion than is usually accorded to this department of civics, but at the same time an endeavor has been made to confine these discussions within moderate compass.

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STATE GOVERNMENT

INTRODUCTION

A State of the United States. A *State* is the largest political division of the United States. It has a distinct government of its own established by the people of the State. The first thirteen States of the United States had their origin in the thirteen colonies established by England in this country. Most of the other States had been organized as Territories before their admission into the union. In the United States a State is more distinctly a political organization and at the same time more definitely a member of the union and a part of the national government than in any other nation of the world.

Relation of a State to the Nation. The States are subordinate and inferior to the nation. They can transact no affairs which are strictly national and the Constitution of the United States and laws passed by Congress place other matters beyond the control of the States. In the management of their individual affairs, however, there is very little national interference. In the internal government of the country, the preservation of order and the administration of the law, the State really bears by far the greater portion of the burden of government.

The Constitution of the United States guarantees to each State a republican form of government. The government of a State is therefore very similar to the government of the United States.

Congress enacts laws for the nation and for the welfare of the States collectively. The States enact laws for the regulation of affairs not controlled by national statutes. In some cases when Congress passes a law regulating matters connected with the States, it is the custom for the State legislature also to pass a law in pursuance of the law enacted by Congress. Federal law is also distinctly State law and must be observed by the people and by the officers of State and nation alike; but State law is not observed beyond the confines of the State.

The national constitution guarantees to the States protection against invasion and, when application is made, also against domestic violence. This idea of protection is reciprocal. If the nation finds the forces at its command inadequate, the militia of the States may be employed or a call for volunteers may be issued. On the other hand, if a State finds itself unable to suppress internal disorders, it may call upon the nation for assistance. If a State fails to preserve order the national government may interfere on its own account. This was done by President Cleveland, in July, 1894, during the Chicago railway strike, when he called out United States troops to secure the transmission of the mails and prevent obstruction of interstate commerce.

The system of State courts is independent of the system of national courts. Federal courts rarely deal with State laws unless to pass upon their constitutionality with respect to the United States Constitution, but State law is applied by federal courts when there is no federal statute applying to the case. State courts deal with both State and federal statutes, but their interpretation of federal statutes is subject to revision by federal courts. If a State court declares a State law to be in violation of the United States Constitution, its decision is final; but if it maintains the law to be in accordance with the United States

Constitution, the decision may still be reversed by a United States court. The judges of the State courts shall be bound by the supreme law of the land, "anything in the constitution or laws of any State to the contrary notwithstanding" (United States Constitution, Article VI, Clause 2).

Relation of State to State. The States as individual members of the union are relatively equal to each other. While their governments differ in some respects, yet there is a general resemblance. Some confusion and friction has been caused by the great variety of laws in the different States on the same subject; yet there is necessarily a great deal of uniformity since State laws are founded mainly on the common law of England. This want of uniformity might be remedied by an amendment to the national constitution giving Congress power to pass uniform laws for the States or by interstate committees appointed to secure uniformity in legislation. The adoption of the United States Constitution had the effect of wiping out the bitter State jealousies that existed before that time. The national constitution provides that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State."

Relation of the People to the State. The people are subject to the laws of the State and of the United States. A citizen of the United States is a citizen also of the State in which he resides. The citizen of a State owes allegiance to his State, but his first and highest allegiance he owes to the nation. The people are most generally and most directly affected by State laws, especially with reference to their social and legal relationships in the community in which they dwell. "The citizens of each State shall be entitled to all the privileges and immunities of citizens in

the several States." A citizen of one State can therefore not be denied citizenship nor the privileges of a citizen in another State, provided he abides by the regulations made for citizens of that State."

Political Divisions of the United States. The largest political division of the United States is a State. States are divided into counties and a county consists of a number of townships. A township is the lowest political division with a practically complete system of government, but townships consist of a number of sub-school districts and road districts and may be subdivided into voting precincts. A county may also contain cities or boroughs and these may be subdivided into wards. The government of all the divisions of a State is however centralized in the State government.

“When the great and wise God had made the world, of all his creatures, it pleased him to choose man his deputy to rule it: and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly.”

“Any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, or confusion.”

“Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.”

“I know some say, let us have good laws, and no matter for the men that execute them; but let them consider, that though good laws do well, good men do better; for good laws may want good men, and be abolished or evaded by ill men; but good men will never want good laws, nor suffer ill ones.”

“The great end of all government, *viz.*: To support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honorable, for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery.”

— *Preface to Penn's Frame of Government*

THE GOVERNMENT OF PENNSYLVANIA BEFORE THE ADOPTION OF THE CONSTITUTION OF 1873

Origin of Pennsylvania. The year 1681 marks the beginning of Pennsylvania as a separate political organization. In this year Charles II granted a tract of land embracing the present State of Pennsylvania to William Penn, an eminent Quaker, in payment of a debt of sixteen thousand pounds due to his father from the crown. This grant also afforded a place of refuge for the persecuted Quakers. In 1682 Penn obtained from the Duke of York a grant of the territory embraced in the present State of Delaware, thus extending his domain to the open sea. This grant was known as the "three lower counties" or the "territories" of Pennsylvania. The government of Delaware was connected with that of Pennsylvania until the Revolution.

Penn sent his cousin, William Markham, as his deputy to take possession of the country. Markham arrived early in July, 1681. The next year, October 27, 1682, Penn himself arrived in the ship *Welcome* and landed at New Castle. Markham had already purchased land of the Indians and made a treaty of friendship with them. On October 30 Penn went to Upland, which he named Chester, and made arrangements for the meeting of the first general assembly. He then continued his journey up the Delaware to Shackamaxon, in the present Kensington District of Philadelphia, where he met the Indians early in November, under a large elm tree, and made his famous treaty with them. Penn next laid out the city of Philadelphia, near the Indian village of Quequenaku,

"the grove of long pines." Few houses were built in 1682, but in 1683 about one hundred houses were erected and the city grew rapidly in size and population.

Although it is possible that Sebastian Cabot (1498), John Verrazano (1524), and Stephen Gomez (1525) looked into Delaware Bay, positive proof of this fact is wanting. In 1609 Henry Hudson spent a day in Delaware Bay and in 1610 Lord Delaware discovered the mouth of the Delaware River; but the territory of what afterwards became known as Pennsylvania was probably not seen by Europeans before the year 1616, unless indeed it was seen by Captain John Smith in his voyages up the Susquehanna in 1608. In this year (1616) the Dutch Captain Hendrickson discovered the Schuylkill River and near the present site of Philadelphia he met three Netherlands who had come from Fort Nassau, near Albany, by way of the Mohawk and the Delaware. Holland now claimed the territory along the Delaware River and in 1623 Captain Mey erected Fort Nassau, near Gloucester, N. J. In 1631 a party of Hollanders under Pieter Heyes established themselves on Lewes Creek, near Cape Henlopen. This settlement, called Swaanendael, was totally destroyed by the Indians in 1632.

In the meantime King Gustavus Adolphus, of Sweden, had been formulating plans for American colonization and in 1638 a party of Swedes and Finns under Peter Minuit built Fort Christina, near Wilmington. The land from Cape Henlopen to the falls of the Delaware at Trenton was purchased from the Indians and the territory on the west bank of the Delaware practically passed out of Dutch control. In 1643, John Printz, the third governor of New Sweden, built a fort on Tinicum Island, about twelve miles below Philadelphia. He named the settlement New Gottenberg and it was probably the first European settlement in Pennsylvania.

In 1651, to counteract Swedish influence, the Dutch left Fort Nassau and built Fort Casimir, near New Castle, Delaware. The Swedes under Governor Risingh captured Fort Casimir in 1654. Thereupon Peter Stuyvesant, Governor of New Netherlands, received orders to conquer the Swedes. He succeeded in this undertaking in 1655 and the Dutch again exercised authority on both sides of the Delaware; but in 1664, when King Charles II granted this region to his brother, the

Duke of York, New Netherlands was taken by the English under Colonel Richard Nicolls. With the exception of one year it remained under English control until the Revolution.

Name of Pennsylvania. Penn at first intended to name the province *New Wales*. The immense forests then suggested the name *Sylvania*, but the king ordered it to be called *Pennsylvania*, "Penn's Woods," in honor of William Penn's father, Admiral Sir William Penn. The original spelling in Penn's charter is "Pensilvania."

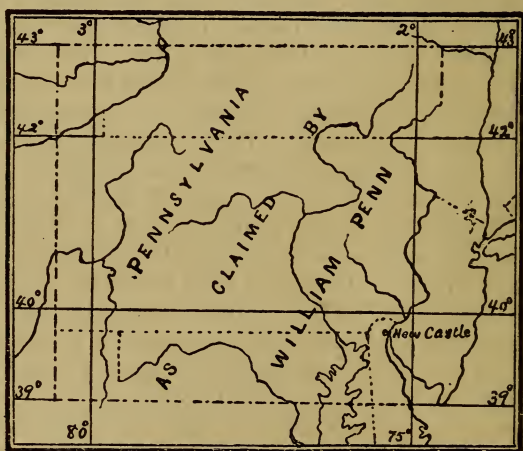
Territory and Boundaries of Pennsylvania. Penn met the Indians "on the broad pathway of good faith and good will" and instead of appropriating their land he bought it from them by making purchases of large tracts at different times.

According to Penn's interpretation of the boundaries mentioned in his charter his grant covered a much larger area than is now included in the State. The charter of King Charles defined Penn's grant as "All that Tract or Parte of Land in *America*, with all Islands therein conteyned, as the same is bounded on the East by *Delaware* River, from twelve miles distance Northwards of *New Castle* Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River so farr as it doth extend; and from the head of the said River, the Easterne Bounds are to bee determined by a Meridian Line, to be drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to be computed from the said Easterne Bounds; and the said Lands to be bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from *New Castle* Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above-mentioned."

William Penn reasoned that the beginning of the fortieth degree meant the thirty-ninth parallel, but Lord Baltimore claimed that Maryland extended to the fortieth parallel. When

Penn's charter was written it was supposed that the fortieth parallel passed through New Castle. This dispute caused some bloodshed in the overlapping territory. In 1732, an agreement was reached by which the boundary was to be located as follows:

A semicircle was to be drawn beginning at the Delaware River, with a radius of twelve miles and the center at New Castle; from a point in the middle of the peninsula, on a line directly west from Cape Henlopen, a tangent to this circle was to be drawn; from the point of tangency a line was to be run due north to a point fifteen miles south of the southern end of Philadelphia; from this point the line was to extend directly west five degrees. On account of disputes as to the method of locating the boundary, nothing was done until 1761, when Charles Mason and Jeremiah Dixon were appointed to survey the line. This was done from 1763 to 1767. On account of the Indians, Mason and Dixon's Line was surveyed only for a distance of 230 miles. The location of the remaining part of the southern boundary along the same parallel, 39 degrees 44 minutes, to its western extremity was commenced by other surveyors in 1782.



A large part of western and southwestern Pennsylvania was claimed by Virginia. The strife between the Virginians and Pennsylvanians continued until 1779, when an agreement was reached by which the southern boundary was completed and

the western boundary surveyed along the meridian of 80 degrees 32 minutes north to the Ohio River. In 1785, Virginia having ceded her western lands to the United States, Pennsylvania alone completed the boundary to Lake Erie.

Connecticut, by virtue of her "sea to sea" charter, laid claim to that part of Pennsylvania north of 41 degrees. Settlers from both States entered this region and the frequent conflicts which took place between these two classes of colonists from 1769 to the Revolution is known as the "Pennamite and Yankee War." In 1782, a commission appointed by the Continental Congress met at Trenton and awarded the disputed territory to Pennsylvania.

The boundary between New York and Pennsylvania also was in dispute. In 1775, a stone was set up in the Delaware River, but the line afterwards run west from this stone ended south of Lake Erie. In 1789 the forty-second parallel was accepted as the boundary.

Pennsylvania now had only about four miles of coast line on Lake Erie, so in 1792 the State bought the triangle at Lake Erie of the United States.

In 1905 Pennsylvania agreed to give the "flat iron," as the small triangular piece of land between Pennsylvania and Delaware is called, to Delaware; but Delaware and Congress have not yet confirmed the transfer (1911).

The Seat of Government. Chester was the first capital of Pennsylvania. Here the first general assembly was held in 1682. In 1683 the capital was transferred to Philadelphia. It was removed to Lancaster in 1799, and to Harrisburg in 1812.

Periods and Forms of Government. The government of Pennsylvania may be divided into three periods: the first covering that period during which the southeastern part of the State with its scattered settlements and inhabitants was merely territory attached to some other colony; the second comprising the government of the Province of

Pennsylvania, under Penn and his heirs; the third including the government of Pennsylvania as a State.

I. Colonial or Territorial Period — 1623-1681.

1. First Period of Dutch Dominion — 1623-1638.

1¹. Proprietary, under the Dutch West India Company, as part of New Netherlands.

American affairs were directed by a Director until 1626 and by a Governor after that date. Although the Dutch laid claim to this region since 1609, it was without European government previous to 1623.

2. Period of Swedish Dominion — 1638-1655.

1¹. Proprietary, under Swedish West India Company, as part of New Sweden. The government was directed by a Governor.

Holland, Sweden and England claimed the territory along the Delaware, but during this period Sweden exercised the principal authority over the region now included in Pennsylvania.

3. Second Period of Dutch Dominion — 1655-1664.

1¹. Proprietary, under Dutch West India Company.

4. First Period of English Dominion — 1664-1673.

1¹. Proprietary, under the Duke of York, as a Territory of New York.

The government was administered by a Governor of New York and a separate Commander on the Delaware.

5. Third Period of Dutch Dominion — 1673-1674.

1¹. Royal.

The government was administered by a Governor of New Netherlands and a Deputy Governor of the Colonies on the West Side of the Delaware.

6. Second Period of English Dominion — 1674-1776.

1¹. Proprietary, under the Duke of York, until granted to William Penn.

II. Provincial Period — 1681-1776.

1. Proprietary, under William Penn — 1681-1693.

2. Royal — 1693-1695.

Penn was suspected of disloyalty and Pennsyl-

vania was taken from him, but after his innocence was proved he was restored to his rights. The government was directed by Governor Fletcher, of New York, with William Markham as Deputy Governor.

3. Proprietary.

1st. Under William Penn — 1695-1718.

2nd. Under Penn's widow, Hannah Penn — 1718-1733.

3rd. Under Penn's sons, John (d. 1746), Thomas, and Richard (d. 1771) — 1733-1771.

4th. Under Thomas Penn and John Penn, son of Richard Penn — 1771-1776.

During this period the government was administered by the proprietor as Governor or by a Deputy or Lieutenant-Governor together with a Provincial Council and a General Assembly.

In June, 1775, the Assembly practically deposed John Penn as Governor by appointing a Council of Safety to supersede him and exercise the executive functions. Franklin was chairman of the Council.

III. Constitutional Period —

The Commonwealth — 1776 —.

1. Under the Council of Safety — 1776-1777.

2. Under the Constitution of 1776.

3. Under the Constitution of 1790.

4. Under the Constitution of 1838.

5. Under the Constitution of 1873.

Charters and Constitutions of Pennsylvania. I. Whatever government Pennsylvania had before it was granted to William Penn was administered mainly in accordance with the charter of the Dutch West India Company (1621), the Articles of the Swedish West India Company (1625), and "The Duke's Laws" (1665).

II. *The Charter for the Province of Pennsylvania.* This very liberal charter was granted by Charles II. to William Penn, March 4, 1681. It made William Penn

and his heirs proprietors of the Province and gave them the right to make laws for the country "by and with the advice, assent, and approbation of the Freemen of the said Country, or the greater parte of them, or of their Delegates or Deputies" who were enjoined by the charter to meet in some form of assembly for this purpose. The laws had to be transmitted to England and could be declared void if found to be contrary to the allegiance due the king or inconsistent with his sovereignty. The charter also gave Penn the power to appoint judges and other officers.

The annual rent to be paid by the proprietors of Pennsylvania was "Two Beaver Skins, to bee delivered at Our said Castle of *Windsor* on the First Day of *January* in every year; and also the Fifth Part of all Gold and Silver Oare, which shall from Time to Time happen to bee found within the Limitts aforesaid, cleare of all Charges."

III. *Concessions to the Province of Pennsylvania.* These were "Certain conditions, or concessions, agreed upon by William Penn, Proprietary and Governor of the province of Pennsylvania, and those who are the adventurers and purchasers in the same province, the eleventh of July, one thousand six hundred and eighty-one." They were given to Markham and his colonists for their guidance until Penn's arrival.

The Concessions provided for a jury of twelve men, six planters and six natives, to decide disputes between the settlers and the Indians. Another noteworthy article provides "That in clearing the ground, care be taken to leave *one* acre of trees for every *five* acres cleared, especially to preserve oaks and mulberries for silk and shipping."

IV. *The Frame of Government of the Province of Pennsylvania.* The Frame, consisting of twenty-four arti-

cles, was signed by William Penn on April 25, 1682, and on May 5 of the same year he added forty laws. Penn presented this plan of government, with ninety additional laws, to the General Assembly which met at Chester on December 6, 1682. These laws, ratified next day, formed the Great Law or Great Code of Pennsylvania, the basis of our present State government. No Provincial Council had yet been chosen. On April 2, 1683, the Frame of Government, with some alterations, together with sixty-one of Penn's proposed laws, was ratified by the Provincial Council and General Assembly which met in Philadelphia.

The government of Pennsylvania under the frame was vested in the Proprietor, who was the Governor; in a Provincial Council of not less than eighteen nor more than seventy-two members, according to the population of the Province, elected for three years; and in a General Assembly of not less than thirty-six nor more than two hundred members, elected annually. The Governor or his deputy was presiding officer of the Council.

It was the duty of the Governor and the Council to originate bills and propose them to the Assembly, which bills were to be published and posted in prominent places twenty days before the Assembly met; to take care that the laws were executed; to provide for the peace and safety of the Province; to decide on the location of cities, market towns, and roads; to inspect the management of the public treasury; to establish schools; to encourage and reward authors and inventors; to establish courts; and to convene and adjourn the Assembly.

The Assembly could not originate legislation but could simply vote upon the bills presented to it by the Council. The Council could nominate a "double number" of persons for judges, treasurers, and masters of the rolls, and the Assembly for sheriffs, justices of the peace, and coroners, out of which nominations the Governor was to make appointments.

V. *The Charter of Privileges for Pennsylvania.* This Charter was granted by William Penn, on the application of six-sevenths of the freemen, because the Frame of 1683

was "found in some Parts of it, not so suitable to the present Circumstances of the Inhabitants." It was ratified on October 28, 1701. The greater power of the Council in making laws had been a cause of strife between the Council and the Assembly. Under the new form of government the Assembly was allowed to propose legislation and its powers were otherwise enlarged. The people also were allowed to elect some of the county officers. It was the most liberal government existing in the Colonies.

VI. *The Constitution of 1776.* On May 15, 1776, the Continental Congress recommended the formation of State governments. The assembly of Pennsylvania, composed largely of royalists, ignored this recommendation, so the people called a provincial assembly of their own which met on June 18, 1776, and resolved that a constitutional convention should be called to form a State government. This convention met in Philadelphia on July 15, 1776. It consisted of ninety-six delegates and chose Franklin president. The constitution was completed on September 28, 1776, and went into effect at once without ratification by the people.

The convention assumed control of the State government and appointed a Council of Safety of which Benjamin Franklin was president. Franklin was therefore the first person to hold the highest executive office in Pennsylvania as a State.

Under the first Constitution of Pennsylvania the legislature consisted of only one house. The executive power was vested in a President and a Supreme Executive Council of twelve members which was advisory to the President. The President was chosen annually by the General Assembly and the Council. The constitution contained a Declaration of Rights of sixteen articles. It established courts in every county of the State.

In 1780, the Assembly of Pennsylvania passed a bill providing for the gradual abolition of slavery. By the operation of this law the State still had 3737 slaves in 1790 and only 67 in 1830.

VII. *The Constitution of 1790.* This constitution was framed by a convention of sixty-nine delegates, who met in Philadelphia on November 24, 1789, and chose Thomas Mifflin president. On February 26, 1790, the convention adjourned to give the people an opportunity to discuss what had been done. It reassembled on August 9, and proclaimed the new constitution on September 2, 1790.

This constitution established a legislative body of two houses. The Executive Council was abolished and the executive power was vested in a Governor chosen by the people for a term of three years.

VIII. *The Constitution of 1838.* This constitution was framed by a convention of 133 members, who met at Harrisburg on May 2, 1837, but adjourned in November to Philadelphia. John Sergeant was elected president. The constitution was adopted on February 22, 1838. It was ratified by the people at an election held October 9, 1838 and went into effect on January 1, 1839.

Among other changes the constitution of 1838 gave the legislature enlarged powers, made most of the offices elective, abolished life offices, and restricted the right to vote to all white freemen who had paid a state or county tax. As under previous constitutions, the legislature met annually.

IX. *The Constitution of 1873.* This constitution was framed by a convention of 133 members, who met at Harrisburg on November 12, 1872, but adjourned on November 27 to meet in Philadelphia on January 7, 1873.

William M. Meredith was chosen president. He died, and John H. Walker was chosen his successor. The constitution was completed on November 3, 1873. It was submitted to the voters and ratified on December 16, 1873, and went into effect on January 1, 1874.

One of the chief reasons for framing a new constitution was the necessity for prohibiting special legislation, particularly with reference to corporations.

THE CONSTITUTION OF THE STATE OF PENNSYLVANIA

PREAMBLE

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for his blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

SEC. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

SEC. 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

SEC. 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SEC. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 8. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

SEC. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

SEC. 10. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without

authority of law and without just compensation being first made or secured.

SEC. 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts, and in such cases as the legislature may by law direct.

SEC. 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 15. No commission of Oyer and Terminer or Jail Delivery shall be issued.

SEC. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SEC. 18. No person shall be attainted of treason or felony by the legislature.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

SEC. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

SEC. 21. The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.

SEC. 22. No standing army shall, in time of peace, be kept

up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

SEC. 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior

SEC. 25. Emigration from the State shall not be prohibited.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

SEC. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

SEC. 4. The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses by proclamation on notice not exceeding sixty days, to fill the same.

SEC. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United

States or of this State) and shall reside in their respective districts during their terms of service.

SEC. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

SEC. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SEC. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SEC. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

SEC. 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

SEC. 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SEC. 13. The sessions of each House and of Committees of the Whole shall be open, unless when the business is such as ought to be kept secret.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio, and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

SEC. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at

least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

SEC. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III.

SECTION 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

SEC. 2. No bill shall be considered, unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SEC. 5. No amendment to bills by one House, shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the

members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

SEC. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

SEC. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension or impairing of liens: regulating the affairs of counties, cities, townships, wards, boroughs or school districts: changing the names of persons or places: changing the venue in civil or criminal cases: authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys: relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State: vacating roads, town plats, streets or alleys: relating to cemeteries, grave-yards, or public grounds not of the State: authorizing the adoption or legitimation of children: locating or changing county seats, erecting new counties or changing county lines: incorporating cities, towns or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting: granting divorces: erecting new townships or boroughs, changing township lines, borough limits or school districts: creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts: changing the law of descent or succession: regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate: regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables: regulating the management of public schools, the building or repairing of school-houses and the raising of money for such purposes: fixing the rate of interest: affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment: remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury: exempting

property from taxation: regulating labor, trade, mining or manufacturing: creating corporations, or amending, renewing or extending the charters thereof: granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track: nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed: nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefore shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

SEC. 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms

used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor-General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SEC. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SEC. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal

improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and, in case of death from such injuries, the right of action shall survive and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

SEC. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

SEC. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

SEC. 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SEC. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

SEC. 28. No law changing the location of the Capitol of the

State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

SEC. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

SEC. 31. The offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

SEC. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such

testimony, and any person convicted of either of the offences aforesaid, shall as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

SECTION 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, Auditor-General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

SEC. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

SEC. 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible for the office for the next succeeding term.

SEC. 4. A Lieutenant-Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant-Governor except a citizen of the United States,

who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

SEC. 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant-Governor.

SEC. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

SEC. 8. (*Amendment IV.*) He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney-General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy: but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be

granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SEC. 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SEC. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

SEC. 13. In case of the death, conviction on impeachment, failure to qualify, resignation or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant-Governor.

SEC. 14. In case of a vacancy in the office of the Lieutenant-Governor, or when the Lieutenant-Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

SEC. 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal,

and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

SEC. 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant-Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant-Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

SEC. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor-General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he

shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law make report to the General Assembly.

SEC. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SEC. 21. (*Amendment V.*) The terms of the Secretary of Internal Affairs, the Auditor-General, and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successors shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor-General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SEC. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

ARTICLE V.

SECTION 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.

SEC. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend

over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari* or writ of error in all cases, as is now or may hereafter be provided by law.

SEC. 4. Until otherwise directed by law, the courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties shall at any time be included in one judicial district organized for said courts.

SEC. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

SEC. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the District courts and courts of Common Pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of Common Pleas number one, number two, number three and number four, and in Allegheny as the court of Common Pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time

to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of Common Pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court to which any suit shall thus be assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

SEC. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

SEC. 9. Judges of the courts of Common Pleas learned in the law shall be judges of the courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be Justices of the Peace as to criminal matters.

SEC. 10. The judges of the courts of Common Pleas within their respective counties shall have power to issue writs of *certiorari* to justices of the peace and other inferior courts not of record, and to cause their proceeding to be brought before them, and right and justice to be done.

SEC. 11. (*Amendment VI.*) Except as otherwise provided

in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

SEC. 12. (*Amendment VII.*) In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose terms of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

SEC. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

SEC. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeach-

ment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

SEC. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SEC. 18. The judges of the Supreme Court and the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

SEC. 20. The several courts of Common Pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SEC. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *Nisi Prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand the General Assembly shall, and in any other county may, establish a separate Or-

phans' Court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' courts, and thereupon the jurisdiction of the judges of the court of Common Pleas within such county, in Orphans' court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate Orphans' Court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county Orphans' Courts shall possess all the powers and jurisdiction of a Registers' court, and separate Registers' courts are hereby abolished.

SEC. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

SEC. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence may remove the indictment, record and all proceedings to the Supreme Court for review.

SEC. 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election which shall occur three or more months after the happening of such vacancy.

SEC. 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of Common Pleas and Orphans' courts.

SEC. 27. The parties, by agreement filed, may in any civil

case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

ARTICLE VI.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachment shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

SEC. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

SECTION 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity: that I have not paid or con-

tributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court, or of a court of Common Pleas, learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SECTION I. (*Amendment I.*) Every male citizen twenty-one years of age; possessing the following qualifications, shall be entitled to vote at all elections, subject however to such laws requiring and regulating the registration of electors as the General Assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State one year (or, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months), immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

SEC. 2 (*Amendment VIII.*) The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an even-numbered year.

SEC. 3 (*Amendment IX.*) All judges elected by the electors of the State at large may be elected at either a general or municipal election as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an odd-numbered year.

SEC. 4 (*Amendment II.*) All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

SEC. 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. (*Amendment III.*) All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only: Provided, That such laws be uniform for cities of the same class.

SEC. 8. Any person who shall give, or promise or offer to

give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

SEC. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of Quarter Sessions of the city or county in which the same are located may direct; but districts in cities of over one thousand inhabitants shall be divided by the courts of Quarter Sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SEC. 12. All elections by persons in a representative capacity shall be *viva voce*.

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor

while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while in any poorhouse or other asylum at public expense, nor while confined in public prison.

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

SEC. 16. The courts of Common Pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference;

in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

SEC. 17. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

SECTION 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under the general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million dollars.

SEC. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual company, corporation or

association, nor shall the Commonwealth become a joint-owner or stockholder in any company, association or corporation.

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

SEC. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

SEC. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

SEC. 10. Any county, township, school district or other municipality, incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

SEC. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the

ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SEC. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State.

SEC. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

SEC. 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

ARTICLE X.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

SEC. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated or used for the support of any sectarian school.

SEC. 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

SECTION 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defence when and in such manner as may be directed by law. The General

Assembly shall provide for maintaining the militia by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

SECTION 1. (*Amendment X.*) All officers whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law; Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.

SEC. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SEC. 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV.

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SEC. 2. (*Amendment XI.*) County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies, not otherwise provided for, shall be filled in such manner as may be provided by law.

SEC. 3. No person shall be appointed to any office within any county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well as for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SEC. 7. (*Amendment XII.*) Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of Common Pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV.

SECTION 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensations for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by jury according to the course of the common law.

SEC. 9. Every banking law shall provide for the register and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor-General for the redemption of such notes or bills.

SEC. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor

shall a charter for such privilege be granted for a longer period than twenty years.

SEC. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars loaded or empty, without delay or discrimination.

SEC. 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transporta-

tion of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent or employee of any railroad or canal company shall be interested directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway or other transportation com-

pany shall grant free passes, or passes at a discount, to any person except officers or employees of the company.

SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SEC. 11. The existing powers and duties of the Auditor-General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed

to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

THE GOVERNMENT OF PENNSYLVANIA UNDER THE CONSTITUTION OF 1873

The State Constitution. The State Constitution is longer, more complex, and enters more into details than the Constitution of the United States. It embraces much that might ordinarily be covered by legislation but which it was deemed best to embody in the Constitution as a safeguard against undesirable or corrupt laws on these subjects. In some respects it is more stringent than the United States Constitution, as, for example, in the passing of bills and the appointment of officers.

The *Preamble* of the Constitution states that the government of the State, like that of the United States, is a government established by the people. It contains also the ordaining and establishing clause of the Constitution.

ARTICLE I.

THE DECLARATION OF RIGHTS.

The *Preamble* to this declaration of rights states the object to be to secure the recognition and establishment of the general, great, and essential principles of liberty and free government; and Section 26 declares that everything contained in the article is excepted from the powers of the government to guard against transgressions or misuse of the powers delegated by the people through the Constitution to the general government.

In what other state paper is the same principle declared as that expressed in Section 1?

In what other state papers are ideas expressed similar to those found in Section 2?

How do the statements in the State Constitution concerning religion differ from those in the United States Constitution?

“Elections shall be free and equal” does not mean that everybody may vote, but that any person with the proper qualifications has the right to vote without interference and that the qualifications for voting shall be uniform.

The greater number of rights mentioned in this declaration are such rights as are found in the first ten amendments, Sections 9 and 10 of Article I, and other parts of the United States Constitution. An extended discussion of the rights reserved in this declaration would require too much space. Each student should be required to compile a brief but systematic statement or digest of the rights guaranteed in this article.

ARTICLE II.

THE STATE LEGISLATURE.

The General Assembly. The power to make laws for the State is vested in a Legislature of the State called the General Assembly. The General Assembly is therefore the law-making body of the State. It is a bicameral body and consists of a Senate and a House of Representatives. Articles II and III treat of the Legislative Department of the State.

The Members of the General Assembly. *Term.* The term of Representatives is two years and of Senators four years. The terms of both Representatives and Senators begin on the first day of December following the election.

Election. Representatives and Senators are elected by the voters of the State on General Election Day, the first Tuesday after the first Monday in November, in an even

year. On this day the voters go to the common voting places and vote by ballot for as many of the candidates as the county or district is entitled to elect; and the persons receiving the highest numbers of votes stand elected. Representatives are elected in even years and Senators are elected in leap years in the odd-numbered districts and in the even years between the leap years in the even-numbered districts. The certificates of election are signed respectively by the Speaker of the House and the President *pro tempore* of the Senate.

Classification of Senators. In Section 2 it is stated that members of the General Assembly shall be chosen every second year; and in Section 3 the Senators' term is fixed at four years. This arrangement divides the Senators into two classes, one half to be chosen every second year. At least one half of the Senators therefore are experienced members.

The first election under the Constitution of 1873 took place in 1876, when Senators from the even-numbered districts were elected for two years and from the odd-numbered districts for four years.

Apportionment and Number of Representatives. Representatives are apportioned among the counties according to their population. The ratio of apportionment is obtained by dividing the population of the State as ascertained by the latest United States census by the number 200. This ratio of apportionment is then divided into the population of each county to determine the number of Representatives for the county. Each county shall have at least one Representative.

Each county containing less than five ratios shall have one Representative for every full ratio and an additional Representative if the surplus is more than half a ratio. If a county contains five or more ratios of representation it shall have one Representative only for every full ratio. If a city contains a

population equal to one or more ratios, it shall elect separately its proportional part of the Representatives allotted to the county in which the city is situated.

Primarily a county is a *representative district*, but cities entitled to more than four Representatives and counties with more than 100,000 inhabitants shall be divided into districts of compact and contiguous territory and each such district shall elect its proportionate share of Representatives; but no district may elect more than four Representatives. It is the duty of the General Assembly to apportion the State into Representative districts after each census.

By the Representative Apportionment Act passed by the special session of the General Assembly in 1906, the House of Representatives consists of 207 members.

My county has State Representatives.

Apportionment and Number of Senators. For the apportionment of Senators the State is divided into 50 *senatorial districts* and each district shall elect one Senator. These districts must be of compact and contiguous territory and the population of each district must be as nearly equal as possible to the senatorial ratio of apportionment. This ratio of apportionment is obtained by dividing the population of the State by 50.

No county shall form a separate senatorial district unless its population is equal to four-fifths of a ratio except when each of the adjoining counties is entitled to one or more Senators. In this case a Senator may be assigned to a county if its population exceeds half a ratio. Each county containing one or more ratios shall have one Senator for every full ratio and an additional Senator if the surplus exceeds three-fifths of a ratio.

It is the duty of the General Assembly to apportion the State into senatorial districts after each census. These districts are numbered. The Constitution states that no county shall be divided unless it is entitled to two or more Senators, and no ward, borough, or township shall be divided in the formation of a district; but by the Senatorial Apportionment Act of 1906 the General Assembly defied the Constitution by

attaching a part of one county to another county to form a senatorial district.

The number of Senators from a single city or county may never be more than one-sixth of the whole number of Senators in the State.

The Senate of Pennsylvania is composed of 50 Senators.

Qualifications. Representatives must be at least 21 years of age and Senators at least 25 years of age.

Both Senators and Representatives must have been citizens and inhabitants of the State for four years next preceding their election.

Senators and Representatives must have been inhabitants of their respective districts for one year next preceding their election and they must reside in their respective districts during their terms of service.

In Section 6, Section 7, and the last sentence of Section 11, three *disqualifications* of members of the General Assembly are mentioned. Removal from the district would also disqualify a member for continuing to serve in the General Assembly.

Vacancies. Whenever a vacancy occurs in either house of the General Assembly, the presiding officer of the house issues a writ of election to fill the vacancy for the remainder of the term. The writ or order to hold the special election is directed by the speaker of the House or the President of the Senate to the sheriff of the proper county.

If the vacancy happens during the recess of the General Assembly it is not filled until the next general election unless the General Assembly meets before the time for the general election. If the vacancy happens during the session of the General Assembly, or if it happens during the recess, and the General Assembly must meet either in regular or special session before the time for the next general election, the presiding officer of the house must issue a writ for a special election to be held within thirty days after the happening of the vacancy.

Salary. Senators and Representatives each receive the following compensation:

1. For a regular session, \$1500; for a special or extraordinary session, \$500. The President *pro tempore* of the Senate and the Speaker of the House each receive \$1 per day during every session in addition to the regular salaries.

2. Mileage to and from every session at the rate of 20 cents a mile.

3. For a regular session, \$50 for stationery and \$100 for postage. For a special session a reasonable amount is allowed for stationery and postage.

No member of the General Assembly shall receive any other compensation; and he shall receive no increase of pay or mileage during his term under any law passed during the term for which he was elected.

Peculiar Privileges. Members of the General Assembly have two special privileges:

1. While going to, attending, or returning from the sessions of the General Assembly they can not be arrested for anything except treason, felony, violation of their oath of office, and breach or surety of the peace.

2. For any speech or debate made in either house they shall not be questioned in any other place — that is, they may be called to order in the house but may not be questioned before a court or arrested for slander for anything they may say in a speech or debate during discussions in the house to which they belong.

Officers of the General Assembly. The Lieutenant-Governor is the presiding officer of the Senate and as such is called the *President of the Senate*. He has no vote unless there is a tie. At the beginning and the close of each regular session the Senators elect one of their number *President pro tempore* of the Senate, who shall take the place of the Lieutenant-Governor at the

head of the Senate whenever he is absent or unable to attend to his duties or when his office is vacant.

The presiding officer of the House of Representatives is called the *Speaker*. He is himself a Representative and is elected by the Representatives at the opening of the session. He votes on all questions.

Each house elects a *Chief Clerk* and a number of other clerks. Other important officers elected by each house are the Sergeant-at-arms, the Doorkeeper, the Postmaster, and the Chaplain. The officers of the General Assembly are elected by *viva voce* vote.

The duties of these officers are similar to the duties of the corresponding officers of the Congress of the United States.

Meetings of the General Assembly. Regular Sessions.

The General Assembly meets every second year, at 12 o'clock noon, on the first Tuesday of January. Its regular sessions are therefore biennial sessions and are held in the odd years. The sessions continue until the business is finished, and usually lasts from three to five months.

A quorum in each house consists of a majority of the members. The regular sessions are numbered from the first meeting under the Constitution of 1776. Session number I met on November 28, 1776. The session which met on January 5, 1909, was number CXVIII.

On the day on which the General Assembly meets, the first action taken by each house is the *organization* of the house.

In the House of Representatives, at 11 o'clock a.m., one of the members oldest in service in the House announces from the Speaker's stand that the House of Representatives will meet at 12 o'clock for organization. At 12 o'clock the Clerk of the last House, having ascertained that a quorum is present, calls the House to order. The Secretary of the Commonwealth then hands the Clerk the returns of the election, these returns are read, and the roll is called by the Clerk. The oath is then ad-

ministered to the members by some judge. The election of a Speaker is next conducted by the Clerk. After the election of a Speaker, the Chief Clerk and then the other officers are elected. The organization is completed on some future day by the appointment of committees.

In the Senate, at 12 o'clock, the Senate is called to order by the President. The Secretary of the Commonwealth presents the returns of the election, the returns are read, and the roll is called. The oath is then administered to the newly elected members. A President *pro tempore* is next elected. After his election other officers of the Senate are elected. Committees are also appointed at some future time.

Officers and employees of both houses of the General Assembly return to the next biennial session to serve until their successors are chosen.

Special Sessions. Special sessions of the General Assembly may be convened by the Governor when he thinks it necessary to do so. The Senate may be called alone in extra session, by the Governor, to attend to business which it transacts jointly with the Governor. Special sessions are not numbered with the regular sessions.

In a special session no laws shall be passed on any subjects except those designated by the Governor in his proclamation calling the special session.

Adjournment. The adjournment of the General Assembly may depend upon the following conditions:

1. There may be no further business on hand and the two houses then agree upon a day on which they will adjourn.

2. If the two houses cannot agree upon a day of adjournment, the Governor may adjourn them to such time as he shall think proper, not exceeding four months.

3. No session can extend beyond the time for the meeting of the next regular session.

4. Neither house shall adjourn for more than three days without the consent of the other nor may it adjourn

to any other place except that in which both houses are in session.

Powers of the General Assembly. *Sole Powers.* The House of Representatives has two sole powers:

1. The sole power of impeachment.
 2. The sole power to originate bills for raising revenue.
- The Senate has the sole power to try all impeachments.

Common Powers. The houses of the General Assembly have the following common powers:

1. To choose their officers.
2. To judge of the election and qualifications of their members; that is, to decide whether the members are legally elected and properly qualified.

Contested elections shall be tried and determined by the court of common pleas of the county in which the person returned as elected resides, on the petition of at least twenty persons of the county, in case of a Representative, and of the senatorial district, in case of a Senator; but the person against whom the decision of the court is given may afterwards present a similar petition to the proper house of the General Assembly. This petition is referred to the committee on elections, which hears the claims of the parties to the contest (the contestant and the respondent) and reports to the house. The house votes on the report and passes a resolution deciding which person is entitled to the seat in the General Assembly.

3. To determine the rules of their proceedings.
4. To punish their members or other persons for contempt or disorderly behavior in their presence.
5. To expel a member, with the concurrence of two-thirds. No member can be expelled a second time for the same cause — since his reelection would show that the people indorse his action.
6. To enforce obedience to their process.

7. To protect their members against violence, bribery, and corruption.

8. To have all other powers necessary for the legislature of a free State.

9. Each house shall keep a journal of its proceedings and shall publish the same except such parts as require secrecy.

Joint Powers. The principal joint power of the General Assembly is the power to make laws. It can make laws on a variety of subjects as large or perhaps larger than that on which the Congress of the United States can legislate, and is limited in its legislation only by the provisions and prohibitions of the Constitution and laws of the United States and of the Constitution of the State.

Among the joint powers or duties of the General Assembly which are exercised by passing laws are the following:

1. To raise revenue for public expenses.

2. To make appropriations for various purposes.

3. To divide the State into representative, senatorial, and judicial districts.

4. To establish courts other than those mentioned in the Constitution.

5. To fix the salaries of members of the General Assembly, prescribe the duties and compensation of State, county, township, borough, and city officers, and provide additional officers when necessary.

6. To make regulations concerning corporations, mining, and various other industries of the State.

7. To prescribe penalties for the punishment of offences.

8. To make laws concerning real estate and other property and the settlement of estates.

9. To provide for a system of education.

10. To make laws regulating business relations and transactions.

11. In general, to make laws necessary for the good order, protection, and prosperity of the people of the State.

The General Assembly has the power to elect a Governor in case of a tie vote.

Some of the powers of the General Assembly are *national* in scope:

1. United States Senators are elected by the General Assembly.

Each house of the General Assembly nominates at least one candidate for United States Senator and at least two days previous to the election each house must inform the other as to whom it has nominated.

At 3 p.m., on the third Tuesday in January, if the General Assembly has organized before the second Tuesday in January, and if it has not organized before this day, then on the second Tuesday after its organization, in those years in which a United States Senator's term expires, the two houses meet in separate session and proceed to elect a United States Senator according to the method prescribed by act of Congress.

2. A vacancy in the office of United States Senator is filled by the General Assembly.

If the vacancy occurs during the session of the General Assembly, it proceeds to elect a Senator, in the regular manner, on the second Tuesday after receiving official notification of the vacancy.

If the vacancy exists when the General Assembly meets, an election is held to fill the vacancy on the second Tuesday after the organization.

If a vacancy exists in a recess of the General Assembly, the State Constitution provides that the Governor shall call an extra session within sixty days to fill the vacancy.

3. The General Assembly divides the State into Con-

gressional Districts for the election of United States Representatives:

4. The General Assembly prescribes the method for choosing presidential electors.

A Joint Power of the Senate and the Governor. The Senate must confirm nominations made by the Governor for various offices before the officers can be appointed.

Powers of a Minority. While in nearly all cases a majority is required for the transaction of business in the General Assembly, the minority also has a few powers:

1. It may adjourn from day to day.
2. It may compel the attendance of absent members.
3. At the desire of any two members, the yeas and nays must be entered on the journal.

Other References in the Constitution. Art. III, Sec. 10, 14, 16, 25; Art. IV. Sec. 2, 12; Art. V, Sec. 1; Art. VI, Sec. 1, 2; Art. X, Sec. 1; Art. XIV, Sec. 1, 5, 6.

ARTICLE III.

LEGISLATION.

The Law of the State. The law of the State consists of two great classes:

1. The Constitution, laws, and treaties of the United States.
2. The Constitution and laws of the State.

Since the State laws usually pertain to matters different from those on which Congress legislates, United States and State laws do not often conflict. When they do conflict, the United States law must be followed; and the final decision as to conflict is vested in the United States Supreme Court.

Committees. The committees of the House of Representatives are appointed by the Speaker and those of the Senate by the President *pro tempore*.

The *standing committees* of the House of Representatives, by the present rules of the House, number thirty-nine. They consist of twenty-five members, except the committee on appropriations, which has thirty members. In the Senate there are thirty-two standing committees, consisting of from seven to twenty-one members.

The following are the names of some of the standing committees appointed in each house: Committee on Agriculture, on Appropriations, on Education, on Elections, on Insurance, on Law and Order, on Legislative Apportionment, on Military Affairs, on Mines and Mining, on Public Health and Sanitation, on Railroads. The Committee of Ways and Means, which deals with questions concerning the raising of revenue, is distinctively a committee of the House of Representatives.

Special or select committees may be appointed when necessary.

A *committee of the whole* consists of the whole house. When the house resolves itself into a committee of the whole house, the presiding officer appoints a chairman of the committee.

A *conference committee* is a committee consisting of members of each house and its duty usually is to attempt to reach an agreement on points in a bill on which the two houses can not agree.

How Laws are Made. Introducing a Bill. 1. No law shall be passed unless it was first introduced as a bill.

A bill may be introduced by any member of the General Assembly.

In the House of Representatives the Speaker calls the names of the members by counties alphabetically and a mem-

ber desiring to introduce a bill rises when his name is called and reads the title of his bill. In the Senate, the President, commencing on his left, recognizes Senators wishing to introduce bills, passing from left to right.

2. All bills must be referred by the presiding officer to the appropriate committee.

The committee considers the features and merits of each bill and may amend a bill to any extent or may combine two or more bills on the same subject. After it has finished consideration of a bill it may report the bill favorably to the house or it may report it negatively. A committee cannot change the title of a bill.

Two beneficial features of the committee system may be mentioned:

So many bills are introduced that it would be practically impossible for the General Assembly to give proper consideration to every one of them and many of them are of such a nature that valuable time would be lost in discussing them. The committee relieves its house of this work and eliminates worthless bills.

The committee thoroughly studies each bill, recommends amendments to those that can be improved, strikes out objectionable features, and reports it to the house in proper form for immediate action.

3. No bill, except a general appropriation bill, may contain more than one subject; and this subject must be clearly expressed in the title of the bill.

4. All bills for raising revenue must originate in the House of Representatives. Other bills may originate in either house.

Action on a Bill. The process of passing a bill in the General Assembly is practically the same as the method used in Congress. The following is a brief outline:

1. No bill is considered unless referred to a committee,

returned from the committee, and printed for the use of the members. When a bill is reported by a committee it is placed on the calendar of bills on first reading. No bill reported negatively can be placed on the calendar unless by the vote of a majority of the whole house.

2. Each bill must be read at length on three different days. After each reading a vote is taken to agree to the bill, that is, to accept it for consideration by the house in the form in which it was read.

The bill is read the second time in the committee of the whole unless, by unanimous consent, the house dispenses with this committee. On the second reading the bill is read section by section and as each section is read it is subject to debate and amendment, after which a vote is taken to agree to the section. If after any reading the bill is not agreed to, it is recommitted to a committee for its further consideration.

3. The bill is debated by the house after the second reading.

4. After the third reading a vote is taken upon its final passage. This vote must be taken by yeas and nays and the names of the persons voting for and against the bill must be entered on the journal. To pass a bill, a majority of all the members elected to the house must vote for it. No member may vote who has a private interest in the bill.

5. After the bill is passed by the house, it must be signed by the presiding officer in the presence of the house.

6. The Clerk then takes the bill to the other house for its concurrence, where action is taken upon the bill in practically the same way as in the first house.

No new bill shall be transmitted from one house to the other within four days of final adjournment.

7. When the bill is signed by the presiding officer of the second house it is sent to the Governor for his approval. No bill shall be passed on the day of final adjournment.

8. If the Governor signs the bill it is a law. If he vetoes the bill, and both houses of the General Assembly pass it by a vote of two-thirds of all the members over his veto, it becomes a law without his signature.

The Governor may disapprove of any item or items of an appropriation bill. This gives him the power to reject an objectionable appropriation without rejecting the entire bill. By a decision of the Supreme Court, he may also reduce the amount of any item of appropriation.

9. Amendments may be made by either house to any bill.

While a bill is passing through the General Assembly it shall not be so altered or amended as to change its original purpose. When one house makes an amendment, the other house must vote on it in the same manner as it votes on a bill.

How a Bill may become a Law. 1. By being passed by both houses of the General Assembly and signed by the Governor.

2. By being passed by both houses of the General Assembly, vetoed by the Governor, and passed over his veto.

3. By being passed by both houses of the General Assembly and kept by the Governor longer than ten days, provided the General Assembly has not adjourned in this time.

4. If the bill is kept by the Governor until after the adjournment of the General Assembly, provided it adjourns within ten days after the Governor has received the bill, it shall be a law unless the Governor files the bill with his objections in the office of the Secretary of the Commonwealth and makes public proclamation of this fact within thirty days after the adjournment of the General Assembly.

How a Bill may not become a Law. 1. By not being reported favorably by the committee.

2. By failing to pass in either house.

3. By being passed by both houses of the General Assembly, vetoed by the Governor, and not passed over his veto.

4. By the filing of objections to the bill, that is, vetoing it, within thirty days after the adjournment of the General Assembly.

Prohibitions on Legislation. In the following Sections of the Constitution various laws are mentioned or implied which the General Assembly is forbidden to pass: Art. I, Sec. 3, 4, 7, 14, 17, 18, 24, 25; Art. II, Sec. 16; Art. III, Sec. 1, 3, 4, 6, 7, 8, 11, 13, 15, 17, 18, 20, 21, 22, 24, 25, 27; Art. V, Sec. 26; Art. IX, Sec. 2, 4, 7, 9; Art. XVI, Sec. 2, 3, 8, 10; Art. XVIII.

In Article III, Section 7, the General Assembly is forbidden to pass local or special laws on a large number of subjects. A local or special law is a law whose provisions apply only to one community, corporation, or individual instead of the entire State or all its citizens. This is a very important section. It obviates the confusion which would be caused by many special laws, prevents the injustice which would be a result of laws granting special privileges to favored individuals, and acts as a check upon legislative corruption and arbitrary legislation.

Local or special laws which are not forbidden may be passed only after notice of the intention to apply for such legislation has been published within three months and at least thirty days before the introduction of the bill, once a week for four consecutive weeks, in two newspapers, if there are so many, published in the county, city, or borough in which the locality affected by such special law is situated; and the affidavit of the publisher that the notice was published must be attached to each special or local bill.

Appropriations. No money can be paid out of the State treasury unless the General Assembly first passes a law appropriating the necessary sum of money for the purpose for which it is paid.

The general appropriation bill includes the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and appropriations for the public schools. All other appropriations must be made by separate bills.

Restrictions upon appropriations are mentioned in Sections 10, 11, 17, 18, and 19.

Questions Requiring Reference to the State Constitution.

1. Are the sessions of the General Assembly public or secret? Art. II, Sec. 13.

2. How are resolutions passed in the General Assembly? Art. III, Sec. 26.

3. How may a law be revived or amended? Art. III, Sec. 6.

4. What references to religion are made in the Constitution? Preamble; Art. I, Sec. 3, 4.

5. What does the Constitution state concerning bribery? Art. III, Sec. 29, 30, 31, 32.

6. How may the capital be removed to another place? Art. III, Sec. 28.

7. Who pays for the stationery used in the government offices? Art. III, Sec. 12.

8. What action requires a two-thirds vote in the General Assembly? Art. II, Sec. 11; Art III, Sec. 17, 26; Art. IV, Sec. 8, 15, 16; Art. V, Sec. 15; Art. VI, Sec. 2, 4.

Other References in the Constitution. Art. IV, Sec. 15, 16.

ARTICLE IV.

THE EXECUTIVE DEPARTMENT.

Executive Officers of the State. The Governor is the head of the Executive Department and is the chief executive officer of the State. The first section of Article IV gives a list of officers of the Executive Department; but other executive offices have since been established by law.

Besides the principal executive officers there is a large number of deputies, assistants, clerks, messengers, and other subordinate officers, all of whom are engaged in enforcing or carrying out the provisions of the law. In addition to the State officers, the various executive officers of county, township, city, and borough also assist in enforcing the laws of the State. While the number of executive officers is large, some laws still are poorly enforced on account of an inadequate number of officials to see to their proper execution.

The Governor. *Election.* The Governor is elected by the voters of the State, on the first Tuesday after the first Monday in November, in the even year between leap years. The returns of the election are sealed and transmitted to the Secretary of the Commonwealth, directed to the President of the Senate. These returns must be delivered by the Secretary of the Commonwealth to the President of the Senate within five days after the meeting of the General Assembly. The two houses then meet in joint session, usually at 12 m. on the Thursday preceding the inauguration, the President of the Senate opens the returns in the presence of both houses, the clerk of the Senate reads them, the votes are computed by tellers, and the result is announced by the President of the Senate. The candidate who has the highest number of votes stands elected. The certificate of election is signed by the presiding officer of each house.

If two or more candidates should ever happen to receive an equal number of votes, and no other candidate has a higher vote, the General Assembly immediately proceeds, in joint meeting, to elect a Governor from the candidates having a tie vote.

The Governor of Pennsylvania is

A *contested election* is investigated by a joint committee consisting of twelve Senators and twenty-five Representa-

tives, chosen by lot. The Chief Justice presides over the meetings of the committee but has no vote. The committee decides which candidate is entitled to the office of Governor.

If the committee finds that the election was invalid and that therefore no person is entitled to the office of Governor, the President of the Senate and the Speaker of the House shall immediately issue a joint writ to the sheriffs of the counties ordering a special election for Governor to be held at the next general election.

Term. The Governor is elected for a term of four years. He is inaugurated on the third Tuesday in January in the year following his election. The inauguration takes place in front of the State capitol and its principal features are the administering of the oath of office to the Governor, usually by a justice of the Supreme Court, the inaugural address, and military and civic parades and demonstrations. He exercises the duties of his office until his successor has qualified.

The number of terms to which a Governor may be elected is not limited, but he can not hold two successive terms. Robert E. Pattison, for example, was elected Governor in 1882 and again in 1890. The argument against two successive terms is based on the theory that no person vested with extensive powers like those of the Governor should be allowed to exercise these powers for too long a time.

The first Governor under the Constitution of 1793 was elected in 1795 for a term of three years. Succeeding Governors were elected for four years. By this arrangement the Governor's term begins in the year in which the General Assembly meets and is coextensive with one senatorial and two representative terms.

Qualifications. The Governor must be a citizen of the United States, he must be at least thirty years of age, and

must have been an inhabitant of the State for seven years next preceding his election. Section 6 gives a disqualification.

Vacancy. In case of a vacancy in the office of Governor, the Lieutenant-Governor becomes Governor; and if a vacancy again occurs during the same term, the President *pro tempore* of the Senate succeeds to the governorship. The seat of the President *pro tempore* in the Senate is then vacant and must be filled as any other vacancy in the Senate is filled.

Salary. The Governor receives an annual salary of \$10,000. He has the free use of the Executive Mansion. The State also pays the salaries of a private secretary, several clerks, and a few other officials connected with the executive office.

Powers and Duties of the Governor. 1. He shall take care that the laws are faithfully executed.

2. He shall be commander-in-chief of the military and naval forces of the State except when they are in the actual service of the United States and may call out the militia when necessary.

3. He nominates and, by and with the advice of two-thirds of all the Senators, appoints certain officers. The Governor nominates a person for office by sending his name to the Senate and the Senate confirms or rejects the nomination. If the Senate confirms the nomination the Governor appoints the person to the office. If the Senate rejects it, the Governor nominates another person.

4. He has the power to fill vacancies in various offices.

5. He has the power to remit fines and forfeitures, to grant reprieves, and, on the recommendation of the board of pardons, to grant commutations of sentences and pardons except in cases of impeachment.

6. He may require information, in writing, from the

officers of the executive department, on any subject connected with their offices.

7. He shall give to the General Assembly information of the state of the Commonwealth and shall recommend to it such measures as he shall judge expedient. This he does in his biennial message to the General Assembly.

8. He may call special sessions of the General Assembly and may convene the Senate in extraordinary session for the transaction of executive business.

9. He may adjourn the General Assembly in case of disagreement between the two houses as to the time of adjournment.

10. He shall sign or veto bills; also all orders, resolutions, and votes, on which the concurrent vote of both houses is necessary, except a resolution to adjourn.

11. He shall sign the commissions of officers receiving their commissions from the State.

12. He publishes, by proclamation, in one or more newspapers, the names of persons elected as United States Representatives and as Presidential Electors.

13. He approves charters of corporations for profit and signs patents for land issued by the State.

14. He is *ex-officio* a member of a number of State boards and commissions.

The powers of appointing officers and issuing pardons are conditional, one depending upon confirmation by the Senate, the other upon recommendation by the board of pardons.

The Lieutenant-Governor. The Lieutenant-Governor is elected in the same manner, serves for the same term, and must have the same qualifications, as the Governor.

A vacancy in the office of Lieutenant-Governor is never filled, but his place as President of the Senate is taken by the President *pro tempore*. His salary is \$5000 a year.

He is President of the Senate, but has no vote unless the vote of the Senate is equally divided. If the Governor is unable, by reason of some disability, to perform the duties of his office, the Lieutenant-Governor acts as Governor.

The Lieutenant-Governor of Pennsylvania is.....

The Department of State. The Secretary of the Commonwealth is the head of the Department of State. He is appointed by the Governor, with the advice and consent of two-thirds of the Senate, during the Governor's pleasure. His term is therefore nominally four years. His salary is \$8000 a year.

The Secretary of the Commonwealth is the custodian of the laws and resolutions passed by the General Assembly. He keeps a record of all the official acts of the Governor. He conducts the official correspondence between this State and other States or with the United States. He is the keeper of the seal of the State, affixes the seal to documents requiring it, and countersigns all such papers. Charters of corporations for profit, requisition warrants, and other papers are scrutinized by him, before the Governor affixes his signature; and the official bonds of officers commissioned by the Governor are kept in his office. The election returns for national, state, and county officers who receive executive commissions are in his custody.

The Attorney-General's Department. The Attorney-General is appointed by the Governor, with the advice and consent of two-thirds of the Senate, at pleasure. His term is nominally four years. He receives \$12,000 a year.

The Attorney-General is the legal adviser of the Governor and of the heads of departments and other State officials. He is the attorney for the State in lawsuits to

which the State is a party and acts in behalf of the State in other legal transactions.

The Treasury Department. The State Treasurer is the head of the Treasury Department. He is elected by the voters of the State at the general election, for a term of four years. His term begins on the first Monday in May. His salary is \$8000 per annum. He is under bond to the amount of \$500,000.

The State Treasurer has charge of the public money of the State, which he keeps on deposit in various banks and trust companies, and has general supervision of the State's finances. It is his duty to receive and receipt for all money paid into the State treasury and to apportion the money received between the sinking fund and the general revenue fund. He pays all warrants drawn on the State treasury by proper officers in consequence of appropriations made by the General Assembly.

He furnishes a monthly financial statement to the Auditor-General, a quarterly statement to the Commissioners of the Sinking Fund, an annual report to the General Assembly of the receipts and expenditures of the fiscal year ending on November 30, and a financial report to the General Assembly at the opening of each biennial session.

The Auditor-General's Department. The Auditor-General is elected by the voters of the State, at the general election, for a term of four years. His term begins on the first Tuesday in May. He receives an annual salary of \$8000. Like the Treasurer, he cannot hold two successive terms.

It is the duty of the Auditor-General to examine, adjust, and settle all accounts between the Commonwealth and any department, officer, person, association, or corporation. He makes an annual examination of the con-

dition of the State treasury and issues a report on the finances of the State at the close of each fiscal year.

In the settlement of accounts of the General Assembly and the departments of the government he has the power to disallow any excess over what he finds to be a reasonable cash price. He has full power in the adjustment of accounts to compel the attendance of witnesses and other persons and the production of books and papers relating to the account; and he can imprison persons for refusing to testify.

The Department of Internal Affairs. The Secretary of Internal Affairs is the head of this department. He is elected by the voters of the State, at the general election, for a term of four years. His term begins on the first Tuesday in May. His salary is \$8000 a year.

The department consists of five bureaus, and the Secretary of Internal Affairs has the direction and general supervision of the work of these bureaus.

The Land Office Bureau. This bureau contains the record of the first titles to the lands within the State acquired by the proprietaries and the Commonwealth; the records of grants and conveyances of public lands; the records of the organization of the counties of the State; and the papers relating to the surveys and boundary lines of the State. There are no large tracts of vacant land in the State, but occasionally small tracts are still found which are open for sale through the land office bureau.

The Bureau of Industrial Statistics. It is the duty of this bureau to collect and publish labor statistics; to investigate the relations existing between capital and labor; to secure information concerning the industrial, social, and educational condition of persons engaged in manual labor; and to recommend methods for improving the conditions of the laboring classes.

The Bureau of Assessments and Taxes. This bureau compiles and tabulates information concerning the assessed values of property and the taxes and rates of taxation throughout the State.

The Bureau of Railways. This bureau gathers statistics

concerning railroads, canals, and telegraph and telephone lines operated in the State and is charged with the enforcement of the law with reference to corporations of this class.

The Bureau of Standards. The chief of this bureau has custody of the State standards of weights and measures and shall test and regulate all weights and measures of city and borough sealers or inspectors.

The Department of Public Instruction. See Article X.

The Adjutant-General's Department. The Adjutant-General is appointed by the Governor, with the advice and consent of the Senate for four years and until his successor is appointed and qualified. He receives an annual salary of \$4000.

The Adjutant-General is chief of the Governor's Staff. He issues all orders to the National Guard by the authority of the Governor and is charged with the execution of these orders. He inspects the National Guard at the annual encampments and has charge of the State arsenal and other military property.

The Governor's Staff is a body of military officers who act as his assistants and attend him on formal occasions as a guard of honor.

The Department of Agriculture. The Secretary of Agriculture is appointed by the Governor with the advice and consent of the Senate, for a term of four years. His salary is \$3500.

The duty of the Secretary of Agriculture is to collect and publish statistics concerning agricultural industries, to investigate as to what grains, fruits, grasses, and other crops are adaptable to the soil and climate of the State, to investigate plant diseases, and in general to promote the development of agricultural and allied industries. He makes an annual report to the Governor and may issue special bulletins on subjects relating to agriculture.

There are several important divisions in this department:

The *Deputy Secretary and Director of Farmers' Institutes* engages speakers and fixes the times and places for holding farmers' institutes in various parts of the State.

The *Dairy and Food Commissioner* makes investigations of food products and carries out the provisions of the pure food laws.

The *Economic Zoologist* collects information relative to insect pests and diseases affecting trees and plants, gives instructions for their prevention or extermination, and investigates the economic value of the birds and animals in general found in the State. He publishes the results of his investigations in monthly bulletins. The Nursery Inspector belongs to this division.

The *State Veterinarian* investigates diseases of domestic animals and carries out the provisions of the laws relating to such matters.

The *State Board of Agriculture* is also connected with this department. An idea of the scope of its work may be obtained by noting that among the officials of the board are a botanist, a pomologist, a chemist, a veterinary surgeon, a sanitarian, microscopists and hygienists, entomologists, an ornithologist, meteorologists, a mineralogist, an apiarist, and geologists.

Other Departments. The heads of these departments are appointed by the Governor and the Senate, the Insurance Commissioner for a term of three years, the others for terms of four years.

The Insurance Department. The Insurance Commissioner is charged with the execution of the insurance laws and in his annual report to the General Assembly he gives a list of the insurance companies doing business in the State and a summary of the financial condition of each company.

The Banking Department. It is the duty of the Commissioner of Banking to see that the laws relating to banks, trust companies, building and loan associations, and all similar companies are faithfully enforced. He appoints a

number of examiners to investigate the financial condition of banks and other institutions.

The Department of Forestry. The State Forestry Reservation Commission, which is charged with the purchase and management of suitable lands for timber culture and the protection of the water sources of the State, is connected with this department.

It is the duty of the Commissioner of Forestry to enforce the rules of the Forestry Commission, to encourage and promote the development of forestry, and to publish information concerning the forest lands of the State. On the Mont Alto reservation, a School of Forestry and a sanatorium for poor consumptives have been established.

The Department of Factory Inspection. It is the duty of the Chief Factory Inspector to enforce the laws concerning the employment of labor and to see that all industrial establishments and public buildings of all classes are provided with the proper appliances for the safety and health of the employees and inmates. No child under fourteen years of age shall be employed in any establishment. The Chief Factory Inspector appoints a number of deputy factory inspectors, five of whom shall be women.

The Department of Mines. It is the duty of the Chief of this Department to execute the mining laws of the State. He is authorized to inspect and examine any mine or colliery in the State. He gives aid and instruction to mine inspectors and makes investigations so as to enable him to report on the systems and methods of mining in the State.

The Department of Health. It is the duty of the Commissioner of Health to protect the health of the people by enforcing laws relating to sanitary matters, employing means for the prevention and suppression of diseases, making sanitary investigations, abating and removing nuisances detrimental to the public health, enforcing quarantine regulations, and preserving the purity of the waters of the State.

With the assistance of an advisory board, orders and regulations are drawn up for the prevention of disease and the protection of life and health.

The department contains a Bureau of Vital Statistics for the registration of births, marriages, deaths, and diseases. The bureau is in charge of a State Registrar and local registrars are appointed by the Commissioner of Health in each township, borough, and city in the State. Burial permits also are issued by the local registrars of vital statistics.

The State Highway Department. The State Highway Commissioner is charged with carrying into effect the provisions of the laws concerning the construction and maintenance of a system of State Highways and the co-operation of the State with the counties, townships, and boroughs in the construction and maintenance of improved roads; and he shall encourage a general system of highway improvement.

The Department of Public Printing and Binding. The Superintendent of Public Printing and Binding supervises the printing and binding of the reports made by the heads of departments, of matter ordered to be printed by the General Assembly, and of other public documents.

The Department of Fisheries. The Commissioner of Fisheries encourages and promotes the development of the fishery interests of the State and is the chief superintendent of the hatching stations.

The Fisheries Commission, of which he is the head, is authorized to employ persons for the protection of fish and for the apprehension of persons violating the fish laws. All fishwardens, constables, and other guardians of the peace are required to make prompt report to the Commissioner of violations of the fish-laws.

The Department of State Police. The Superintendent of the State Police appoints the State Police Force, provides arms, equipments, and headquarters for the State Police, and makes regulations, subject to the approval of the Governor, for their control.

The State Police shall assist in preserving law and order throughout the State and shall co-operate with the local authorities in detecting and apprehending criminals.

The State Fire Marshal shall investigate the causes of fires and shall provide for inspection of buildings with the object of preventing fires.

Boards and Commissions. *The Board of Pardons* consists of the Lieutenant-Governor, the Secretary of the Commonwealth, the Attorney-General, and the Secretary of Internal Affairs. No pardon shall be issued by the Governor except upon the recommendation in writing of the entire board or any three of its members. The board meets in open session to consider applications for pardons on the third Wednesday of each month, in the Supreme Court room, at Harrisburg. Each member receives \$500.

The Board of Public Grounds and Buildings has control and supervision of the public grounds and buildings of the State.

The Board of Game Commissioners enforces the laws relating to the protection and preservation of the game, song, and insectivorous birds and the mammals of the State. For this purpose they appoint Game Protectors in various sections of the State.

The State Live Stock Sanitary Board protects the health of the domestic animals of the State by employing means for the prevention, suppression, or eradication of dangerous, contagious, or infectious diseases among domestic animals.

The State Board of Undertakers, the *State Board of Veterinary Medical Examiners*, the *Board for the Examination of Accountants*, the *Pharmaceutical Examining Board*, a *State Board of Medical Examiners*, and a *State Board of Dental Examiners* examine, license, and register persons desiring to practice in the vocation indicated by the title of the board.

The Anatomical Board of the State of Pennsylvania supervises the distribution of dead human bodies among the medical and dental colleges of the State for the promotion of medical science.

The *College and University Council* approves or disapproves of applications for charters for colleges, universities, or seminaries desiring the power to confer degrees and visits institutions holding such charters to see whether they keep up to the required standard. It makes a biennial report to the General Assembly on higher education within the State.

The *Sinking Fund Commission* receives the revenues belonging to the sinking fund and applies them according to law.

The *Water Supply Commission* obtains data concerning the water supply of the State and adopts means for conserving, developing, purifying, and equitably distributing the waters of the State.

The *Commission of Soldiers' Orphan Schools* provides schools for the orphans of soldiers and sailors and supervises the management of these institutions.

The *Pennsylvania State Railroad Commission* hears complaints concerning freight and passenger rates, the distribution of cars, the location of stations, and similar matters; investigates the causes of accidents on railroads; makes recommendations as to crossings, safety appliances, and the protection of the public in general; and sees that the laws and regulations concerning railroads are obeyed.

The State Library. The State Librarian is appointed by the Governor and the Senate for a term of four years. He has charge of the State Library and receives all moneys appropriated for library purposes and disburses them under the direction of the board of trustees. The Library contains about 123,000 volumes.

The board of trustees was authorized, by the act of March 28, 1905, to use the Executive Building, as soon as the officials occupying it removed to the new Capitol, for the establishment of a museum of objects illustrating the flora and fauna of the State and its mineralogy, geology, archæology, arts, and history.

State Institutions. Among the institutions supervised and supported by the State are two penitentiaries, a number of lunatic asylums and hospitals for the insane and feeble-minded, a soldiers' and sailors' home, a number of hospitals for the sick

and injured in the mining regions, several cottage State hospitals, and several educational institutions noted under Article X.

Vacancies in Executive Offices. The methods of filling vacancies in the offices of Governor and Lieutenant-Governor have already been explained.

Vacancies in other executive offices may happen under two conditions:

1. When the Senate is in session.
2. When the Senate is not in session.

The offices in which these vacancies may happen are of two classes: 1. Appointive offices. 2. Elective offices.

Appointive Offices. If a vacancy happens during the session of the Senate a person is appointed by the Governor with the advice and consent of the Senate to fill the vacancy.

If a vacancy happens during a recess of the Senate, the Governor appoints a person to the vacancy and gives him a commission which shall expire at the end of the next session of the Senate. During this session a person is appointed to the vacancy in the regular manner.

Elective Offices. The Governor also has power to fill vacancies which may happen in the office of Auditor-General, State Treasurer, Secretary of Internal Affairs, in a judicial office, or in any other elective office which he is or may be authorized to fill.

If the vacancy happens during the session of the Senate, the Governor appoints a person to the vacancy with the consent of the Senate.

If the vacancy happens during the recess of the Senate, the Governor appoints a person to fill the vacancy.

But in any case of a vacancy in an elective office a person shall be elected to the office at the next election if the vacancy happens two months or more before the election; but if the vacancy happens within two calendar months preceding the next election, then a person shall be elected

to the office at the second election succeeding the happening of the vacancy.

Questions and Exercises. 1. What were the offices of Secretary of Internal Affairs and Superintendent of Public Instruction called before the Constitution of 1873? Art. VI, Sec. 19, 20.

2. May a person be elected Governor who has not actually resided in the State during the seven years preceding his election? Art. IV, Sec. 5.

3. How is the business of an executive session of the Senate transacted? Art. IV, Sec. 8.

4. Give reasons why some officers are elected and others appointed.

5. Arrange a table of the principal executive officers showing (1) how the office is obtained; (2) term, stating length and whether fixed or nominal; (3) salary, and (4) principal duty.

6. Make a list of United States officers corresponding to State officers.

7. How should the Governor be addressed when writing or speaking to him?

Other References in the Constitution. Art. III, Sec. 26; Art. XVII, Sec. II.

ARTICLE V.

THE JUDICIAL DEPARTMENT.

The Judicial System of the State. The judicial power of the State is vested in the following system of courts:

The Supreme Court.

The Superior Court.

The District Courts.

Courts of Common Pleas.

Courts of Oyer and Terminer.

Courts of Quarter Sessions.

Orphans' Courts.

Magistrates' Courts.

Magistrates' Courts.

Aldermen's Courts.

Police Courts.

Justices' Courts.

Of these courts the district courts are discussed under county government, the first three classes of magistrates' courts under city government, and the justices' courts under township government.

The Supreme Court of Pennsylvania is the head of the judicial department of the State.

How is a judge addressed in court?

The Supreme Court. *Place of Meeting.* The Supreme Court holds annual sessions in each of the three Supreme Court districts of the State. In the eastern district it sits at Philadelphia, in the middle district, at Harrisburg, in the western district, at Pittsburgh. The court has a prothonotary for each district.

Judges. The Supreme Court has seven judges, a chief justice and six associate justices. The judge whose commission expires first is Chief Justice. If two or more judges happen to be elected at the same time, priority of commission is determined by lot.

Judges of the Supreme Court are elected by the voters of the State for a term of twenty-one years. The term begins on the first Monday in January. They are not eligible for a second term. If two judges are to be elected, a voter may vote for only one; if three are to be elected, he may not vote for more than two of the candidates.

A vacancy in the office of Chief Justice is filled by succession, the Associate Justice oldest in commission becoming Chief Justice. A vacancy among the Associate Justices is filled by the method of filling vacancies in an elective office explained under executive offices.

The only qualifications required for judges of the Supreme Court are that they must be learned in the law and must be qualified voters of the State. They shall reside in the State during their continuance in office.

The salary of the Chief Justice is \$13,500, of the Associate Justices \$13,000.

It is the duty of the judges to assist in holding sessions of the Supreme Court and, by virtue of their office, they are also justices of oyer and terminer in the several counties. The Chief Justice presides over the sessions of the court.

Jurisdiction. The jurisdiction of the Supreme Court extends over the State.

The Supreme Court has *original jurisdiction* in —

1. Cases of injunction where a corporation is a party defendant.

2. Cases of habeas corpus.

3. Cases of mandamus to courts of inferior jurisdiction.

4. Cases of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State.

The Supreme Court has *apellate jurisdiction* —

1. By appeal.

2. By certiorari.

3. By writ of error.

An *injunction* is an order issued by a court requiring a person or party to do or, usually, to refrain from doing a certain thing.

A writ of *habeas corpus* is a writ issued by a court ordering a prisoner to be brought before a court to determine whether he is legally or illegally imprisoned.

A writ of *mandamus* is an order issued by a court of superior jurisdiction and directed to some inferior court, corporation, or official commanding a certain specified thing to be done as a part of the duty of the party against whom the writ is directed.

A writ of *quo warranto* is a writ issued by a court commanding an officer to show by what authority he holds a certain office or performs a certain act.

A writ of *certiorari* is a writ issued by a superior court to an

inferior one ordering a record of its proceedings in a particular case to be brought to the higher court for review.

Trials. Most of the cases tried before the Supreme Court are appellate cases. An appellate case is tried without a jury and without witnesses. The proceedings of the lower court and the evidence presented there are printed and laid before the judges of the Supreme Court, the attorneys for both sides argue the case, and a majority of the judges is necessary to render a decision.

Decisions. The decisions of the Supreme Court are final unless the case is one of the few cases that may be appealed to a United States Court, as, for example, a case involving the construction of the United States Constitution or of a United States law or a treaty. The Supreme Court Reports, which contain the decisions of the court, are of great importance, since a decision of the Supreme Court must be followed by the lower courts as a precedent in all similar cases.

The Superior Court. *Place of Meeting.* The Superior Court meets annually at Scranton, Williamsport, Harrisburg, Pittsburgh, and Philadelphia, and may meet at other places if the judges so decide.

Judges. The Superior Court consists of seven judges, a president judge and six additional judges. The judge whose commission first expires, either as to the time of election or as a result of casting lots, shall be President Judge. A quorum consists of four judges.

Judges of the Superior Court are elected by the voters of the State for a term of ten years. The term begins on the first Monday in January. Whenever two or more judges are to be elected at the same time, a voter may vote only for the number of judges to be elected less one.

Vacancies are filled as in the Supreme Court; but if the President Judge shall be re-elected he shall continue to be President Judge.

The salary of the President Judge is \$12,500; of the Additional Judges, \$12,000.

Jurisdiction. The jurisdiction of the Superior Court extends throughout the State. This court was established in 1895, as a court of intermediate appeal, to relieve the Supreme Court of some of its work. It is therefore a court of appeals and has no original jurisdiction except the power of issuing writs of habeas corpus.

The following classes of cases are appealed to the Superior Court:

1. All cases or proceedings appealed from the courts of quarter sessions, except cases involving the right to a public office.
2. All cases or proceedings appealed from the courts of oyer and terminer, except cases of homicide.
3. All cases or proceedings appealed from the courts of common pleas or orphans' courts in which the value in controversy does not exceed \$1500 except cases in which the Attorney-General appears in his official capacity and cases involving the right to a public office.
4. Any case whatever, in which the parties or their attorneys make an agreement in the lower court at any stage of the proceedings, that the case may be heard and decided by the Superior Court.

The excepted cases are appealed directly to the Supreme Court.

The following classes of cases may be appealed from the Superior Court to the Supreme Court:

1. Cases in which the jurisdiction of the Superior Court is in issue.
2. Cases involving the construction of the Constitution of the United States or of any law or treaty of the United States or of the Constitution of Pennsylvania.
3. Cases in which an appeal to the Supreme Court is specially allowed by the Superior Court or any one of its judges.

But in any of these cases the decision of the Superior Court shall be final if the parties or their attorneys agree that no appeal shall be taken from the Superior Court.

If, after any case is heard and decided in the Superior Court, four of the judges decide that the questions involved are so difficult or important that the case should be considered by the Supreme Court, it may be removed to the Supreme Court for final decision.

The trials are conducted like those in the Supreme Court; and a record of its decisions is also kept in the volumes of the Superior Court Reports.

Miscellaneous. The Commonwealth's cases are tried in the Dauphin County courts.

A *court of record* is a court whose decisions and judicial proceedings are printed or recorded in writing and preserved for future use and reference. Courts above magistrates' courts are courts of record.

The United States and the State have concurrent jurisdiction over tracts of land owned by the United States within the State. Jurisdiction over such tracts of land is ceded to the United States by an act of the General Assembly, which act also reserves to the State concurrent jurisdiction with the United States over such land in civil and criminal matters.

No suit can be brought against the State by an individual without permission given by an act of General Assembly. This act specifies the court in which the person having a claim against the State is authorized to bring suit.

Any judge who is notified by the Governor, upon satisfactory medical evidence, that he is permanently incapacitated for performing his judicial duties and who resigns within thirty days, shall receive his full salary during the remainder of his term; and any Supreme or Superior Court judge, who has served continuously as a judge for twenty years and any Common Pleas or Orphans' Court judge who is seventy years old and has served continuously for twenty-five years, shall receive one-half of his salary after the expiration of his term during the rest of his life. Also, any judge who is not incapacitated for further service and possesses the above qualifica-

tions, shall receive half of his salary during the rest of his life after his voluntary resignation or the expiration of his term. But in all cases a judge so retired shall hold himself in readiness to advise with his successors and colleagues of the court of which he was a member and to perform reasonable duties as special master, referee, auditor, or examiner, and he shall not engage in any remunerative occupation.

Questions Requiring Reference to the Constitution. 1. What courts are abolished or forbidden by the Constitution? Art. V, Sec. 21.

2. What sentence in the Constitution shows the careful separation of the judicial department from other departments? Art. V, Sec. 21.

3. Why are the Superior Court judges not elected for twenty-one years? Art. V, Sec. 15.

4. Why do justices of the peace not come under the provision that judges below the Supreme Court judges shall be elected for ten years? Art. V, Sec. 15.

5. What is done with fines paid in courts? Art. V, Sec. 13.

6. In whose name and authority are prosecutions conducted? Art. V, Sec. 23.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Impeachment. The Governor and all other civil officers may be impeached for misdemeanor in office. Representatives and Senators cannot be impeached.

The House of Representatives has the sole power of impeachment.

The Senate has the sole power of trying impeachments. In trying impeachment cases the Senate sits as a court and for this purpose the Senators must take a new oath or affirmation. A two-thirds vote of all Senators present is required to convict a person. The punishment inflicted by

the Senate may consist only of removal from office and disqualification to hold any office of trust or profit under the Commonwealth. If, however, the person impeached has committed an offense against the law as well as against the dignity of his office, he may also be tried before a court and punished according to law. This may be done even if he is acquitted after the trial of impeachment.

Removal from Office. Civil officers may be removed from office by conviction in case of impeachment. All officers shall be removed on conviction of misbehavior in office or of any infamous crime.

Representatives and Senators can be removed by expulsion from their respective houses by a two-thirds vote of the members.

Appointed officers may be removed by the person or persons by whom they were appointed.

Officers elected by the people, except the Governor, Lieutenant-Governor, members of the General Assembly, and judges learned in the law, may be removed by the Governor, for reasonable cause, on the address of two-thirds of the Senate.

Judges may be removed by conviction in case of impeachment. If there is reasonable cause which is not sufficient ground for impeachment, the Governor may remove a judge on the address of two-thirds of each house of the General Assembly.

ARTICLE VII.

THE OATH OF OFFICE.

This article states that Senators and Representatives and all judicial, State and county officers shall take the oath of office prescribed in the article before entering upon the duties of their respective offices. City, borough, and township officers are also required by law to take an oath of office.

Who administers the oath to the various officers?

Where shall the oath be filed?

What is the effect of a refusal to take the oath?

What is the penalty for swearing falsely or for violating the oath of office?

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

Qualifications of Voters. Amendment I to the Constitution of Pennsylvania requires a person to have the following qualifications to entitle him to vote:

1. He must be a male citizen.
2. He must be at least twenty-one years of age.
3. He must have been a citizen of the United States at least one month.
4. He must have resided in the State at least one year immediately preceding the election, unless, having previously been a qualified voter or a native born citizen of the State, he removed from the State and returned, then a residence of only six months is required.
5. He must have resided in the election district at least two months immediately preceding the election.
6. If twenty-two years of age or more, he must within two years have paid a State or county tax which was assessed at least two months and paid at least one month before election.
7. He must be subject to all laws requiring and regulating the registration of voters.

A person between twenty-one and twenty-two years of age may "vote on age" without having previously paid taxes.

A person does not gain residence by his presence or lose residence by his absence while engaged in the public service, either civil or military, of the State or of the United States while engaged in navigation in the waters of the State, of the

United States, or on the high seas, while a student at any school, while kept in a poor-house or an asylum at public expense, or while confined in prison.

Provision is made to allow qualified voters engaged in actual military service to vote at all elections by opening special polling places for them at the places where they are serving.

Peculiar Privileges of Voters. In all cases except treason, felony, and breach or surety of the peace, voters are privileged from arrest while going to the election, attending it, or returning from it. The right to vote is a high privilege granted to all persons properly qualified; and there shall be no interference in the exercise of this privilege by any power, civil or military, nor by scheming politicians who might attempt to keep a voter away from the polls by having him arrested in a civil case or for some trivial offense.

Method of Election. All elections by citizens shall be by ballot or by such other method as may be prescribed by law; but secrecy in voting must be preserved. Laws made for elections by citizens must be uniform throughout the State; but for the registration of voters special laws may be enacted for the several classes of cities. All elections by persons in a representative capacity shall be *viva voce*.

Election Districts and Polling Places. Townships and wards of cities and boroughs shall form election districts or shall be divided into election districts or voting precincts by the court of quarter sessions if, on the petition of twenty voters, the court considers that the convenience of the voters or the public interests will be promoted by the division.

No district formed by such division shall contain less than one hundred voters. The court has exclusive power in the

formation of election districts and may fix their boundaries. An election district may be formed of parts of two or more adjoining townships.

In new election districts the court shall fix the places for holding elections. On the petition of at least ten voters the county commissioners may change the location of the polling place, not less than three weeks prior to any election for reasons that they may think proper; but at their discretion the commissioners may order an election to be held to decide the location of the polling place. The Governor may change the place for holding an election if the prevalence of any malignant disease makes it dangerous for the voters to attend at the regular polling place.

The county commissioners are required to provide and fit up a room for voting purposes at the polling place and if no room can be rented they shall construct a temporary room for holding elections. The voting room must be provided with voting shelves or booths which can be closed with a curtain, screen, or door. There must be not less than one voting shelf for every seventy-five names on the assessor's list, but no room shall have less than three such voting compartments. A guard rail shall be constructed so that no person outside the guard rail can approach within six feet of the ballot box. Neither the ballot box nor the voting booths shall be hidden from view.

The Election Officers. The board of election officers consists of a judge of election, two inspectors of election, and two clerks of election, each inspector appointing a clerk. At the election of inspectors the voters may vote for only one of the two inspectors to be chosen so that the inspectors may be of different political parties. The two inspectors are known as the majority inspector and the minority inspector. In townships divided into election districts a board of election officers is chosen in each district. Election officers are privileged from arrest on election days except upon a warrant of a court for an election fraud, felony, or wanton breach of the peace.

The judge of election preserves order in the room and sees that the election laws are observed. He has charge

of the ballot box and decides whether a person has the right to vote when the inspectors disagree. The inspectors of election decide whether a person presenting himself to vote is qualified to do so, and if they disagree they appeal to the judge for his decision. One of the inspectors hands out the ballots to voters and the clerks and other inspectors check off the names of the persons voting from the ballot and voting check-lists and keep a record of the number of votes cast.

The term of election officers is two years. It begins on the first Monday in January.

A vacancy in the office of judge or inspector of election is filled by appointment by the court of common pleas; the person appointed as judge of election must belong to the party having the majority of votes in the district and both inspectors shall not be of the same political party. On the day of the election, if the majority inspector shall fail to attend, the judge of election shall appoint one in his place; if the minority inspector shall fail to attend, the person who received the second highest number of votes for judge at the preceding election shall act in his place; if the judge shall not attend, the majority inspector shall appoint a judge; and if a vacancy exists for one hour after the time of opening the election, the voters present at the place of election shall elect one of their number to fill the vacancy. If a clerk of election fails to attend, the inspector who appointed him shall appoint another clerk to serve for the year. When a tie exists in the vote for judge of election, the majority inspector appoints a judge; and when a tie exists in the vote for inspector of election, the two candidates draw lots for majority inspector and the other candidate shall then be the minority inspector.

The oath is administered to the judge of election by the minority inspector and the other election officers are then sworn by the judge.

Besides the election officers, a number of voters not exceeding ten, the assessor, the constable, overseers of election and party watchers are allowed to be in the voting room. On the petition of at least five citizens of an election district that

such precaution is necessary, the judges of the court of common pleas shall appoint two overseers of election, of different political parties, to supervise the proceedings of the election officers. Each party or group of citizens making nominations may appoint three watchers, but only one of these may be in the voting room at the same time.

The Primaries. One primary is held in each year. A primary is an election, preceding a regular election, at which candidates for public offices are nominated and delegates to conventions and party officers are chosen.

The *spring primary* is held on the second Saturday in April in even years. At this primary, candidates for all offices to be filled at the general election, except those nominated by National or State conventions, are nominated, and delegates to State and National conventions, except delegates at large to National conventions, are elected. Committeemen and such other party officers as shall, by the rules of the several political parties be elected by the people, are also elected at this primary.

The *fall primary* is held on the last Saturday in September, in odd years. At this primary, candidates for all offices to be filled at the municipal election are nominated.

Delegates at large to the National conventions are elected by the State convention. State conventions nominate candidates for Governor and other State officers elected by the voters of the State at large. Among the State officers not nominated by State conventions are Judges of the county courts, State Senators, and State Representatives.

Any party or body of electors, one of whose candidates received two per cent of the highest vote cast for a candidate at a regular election of the preceding year, is allowed to nominate candidates at these primaries.

Candidates for borough and township offices need not be nominated according to this law. Candidates to be chosen at special elections shall not be nominated according to this law. Candidates for presidential electors must not be nominated according to this law, but may be if the rules of the party so provide.

Any association of voters not constituting a party may nominate candidates by nomination papers.

How conducted. The teacher should secure specimen ballots, both primary ballots and regular election ballots, and explain, according to directions on the ballots, how they are marked by the voter. Copies of ballots may also be cut out of newspapers advertising the election.

The primaries are conducted in the same manner, by the same officers, and under similar conditions as the regular elections. The polls are open between 2 p.m. and 8 p.m. Liquor shall not be sold on primary election days from 1 p.m. to 9 p.m.

The qualifications of voters are the same as for other elections. When the voter appears before the election officers he asks for the ballot of his party. If his right to vote for the candidates of that party is challenged, he must make affidavit that at the last preceding election at which he voted, he voted for the majority of the candidates of the party for whose ballot he asks. No voter may receive assistance in marking his ballot unless he makes affidavit that he cannot read the names on the ballot or is physically unable to mark his ballot.

After the election the returns are computed and delivered by the judge of elections to the county commissioners, either in person or by registered mail, on or before noon of the Tuesday following. The candidate having a plurality of votes is the candidate of his party.

The expenses for holding the primaries are paid by the county, but the county is afterwards reimbursed for these expenses by the State.

Nominations for the Primaries. Candidates for the primaries are proposed or nominated by party meetings, party caucuses, conventions of delegates, or popular meetings of voters.

Nomination Papers. Candidates for office may be nominated by nomination papers. If the nomination is made for any office to be filled by the voters of the State at large, the nomination paper must be signed by at least one-half per cent, and in case of a nomination for another office, by at least two per cent, of the largest vote cast for any officer at the last preceding election in the division for which the nomination is made.

Nomination papers for candidates for United States and State offices must be filed with the Secretary of the Commonwealth at least thirty-five days before the election; for township and borough offices, with the county commissioners at least fifteen days before the election; and for all other offices, with the county commissioners at least twenty-one days before the election.

Regular Elections. One regular election is held in Pennsylvania in each year.

The *general election* is held on the first Tuesday after the first Monday in November, biennially, in even years. State officers, United States Representatives, and presidential electors are chosen at this election.

The *municipal election* is held on the first Tuesday after the first Monday in November, biennially, in odd years. At this election the judges of the judicial districts and county, city, ward, borough, and township officers are elected.

Supreme and Superior court judges may be elected at either election; and special elections to fill unexpired terms may be held on either election day.

The General Assembly may, by a two-thirds vote, fix a different election day except for the choosing of United States Representatives.

How Conducted. Only the election officers, voters admitted by them, and officers admitted by their authority to preserve order or enforce the law are allowed to be within the guard rail. The polls are open from 7 a.m. to 7 p.m.

Liquor is not to be sold or given away on any election day.

When the voter appears in the election room he shall give his name and residence to the inspector in charge of the ballots. If his name is found on the ballot check list, the voter receives a ballot and is allowed to enter the space within the guard rail to vote, unless his right to vote is challenged. He then proceeds to one of the voting shelves where, having closed the compartment, he shall mark his ballot without undue delay, and, passing on the other side of the election board, he drops his ballot, properly folded, into the ballot box.

If a voter desires to vote for a person whose name is not on the ballot, at a primary or regular election, he may write or paste his name in the blank space provided for that purpose.

Any qualified citizen may challenge a person's right to vote. In case of a challenge the person desiring to vote is required to prove that he is properly qualified before he is allowed to vote.

If a voter declares to the judge that by reason of some disability he desires assistance in marking his ballot, the judge allows him to select a qualified voter to assist him in preparing his ballot.

No person may electioneer or solicit votes within the election room; and a voter must not allow his ballot to be seen with the intention of showing how he voted.

After the polls are closed, only the election officers remain within the guard rail and at once proceed to count the votes within full view of any other persons in the room. When the votes are counted, the result must be announced to the citizens present and a statement showing the number of votes received by each candidate must be posted on the door of the election house for the information of the public.

The ballot box containing the tickets and other papers shall be put in the safe keeping of some person designated by the court of common pleas, or, where no such person is designated by the court, it is delivered to the nearest justice of the peace, to be kept by this person until needed for the next election. In cities it is deposited with the mayor.

The judge of election must deliver the returns to the proper official before 2 p.m., on the day following the election if the distance to the county seat is within twelve miles by wagon road or twenty-four miles by railroad; before 12 m. on the second day after the election, if the distance is greater. The returns of national, State, county, and city elections are taken to the prothonotary; of township and borough elections, to the clerk of the court of quarter sessions. When the returns directed to be delivered to the prothonotary are received by him, the judges of the court of common pleas compute the returns and when their work is completed the prothonotary sends a copy of these final returns to the Secretary of the Commonwealth.

Contested Elections. The General Assembly has classified contested elections as follows:

1. The Governor and Lieutenant-Governor.
2. Presidential electors and all State officers (except Governor and Lieutenant-Governor) who are elected by the voters of the State at large.
3. Judges of the courts of record other than judges of the Supreme Court.
4. All other officers except members of the General Assembly.

For contested elections of the first class see Article IV. Contested elections of the second class are tried and determined by the court of common pleas of Dauphin County; of the judges of judicial districts, before the court of common pleas of the county in which the person returned as elected resides; of county and township officers, by the court of quarter sessions of the county in which the election was held.

Bribery and Corruption. Any person who gives or offers a bribe of any kind or who receives a bribe is subject to the penalties prescribed in Article VIII, Sections 8 and 9, of the Constitution; and besides these, various penalties

are prescribed by law. Heavy penalties are also provided for violation of the election laws.

Questions Requiring Reference to the Constitution. 1. What parts of Article VIII are inoperative?

2. What causes of disfranchisement are mentioned in Article VIII, Sections 8 and 9?

3. How may a person be disqualified to hold any office under the Commonwealth? Art. VI, Sec. 3; Art. VIII, Sec. 9; Art. IX, Sec. 14; Art. XII, Sec. 3.

4. How may the right to an office be forfeited? Art. II, Sec. 6; Art. V, Sec. 19; Art. VI, Sec. 3; Art. VIII, Sec. 15.

5. In a contested election, may a person be required to testify against himself? Art. VIII, Sec. 10.

6. In what case may women vote in Pennsylvania? Art. X, Sec. 3.

Other References in the Constitution. Art. I, Sec. 5.

ARTICLE IX.

TAXATION AND FINANCE.

State Taxes. The General Assembly has the power to pass laws to levy and collect taxes; but all taxes must be uniform, on the same class of subjects. If possible the Assembly avoids levying a tax on real estate and such a tax has not been levied for many years.

All unnaturalized foreign-born persons who have resided in Pennsylvania one whole year are subject to the payment of all classes of taxes except a poll tax assessed as a voting qualification.

The income of the State derived from taxation is classified as follows:

I. Taxes received directly from the taxables. The rate varies from three mills to five per cent.

1. Tax on the capital stock of corporations and various partnerships.
2. Tax on county, municipal, borough, and corporate loans.
3. Tax on the gross receipts of transportation, transmission, and electric light companies.
4. Tax on the stock of banks and savings institutions.
5. Tax on the gross premiums of insurance companies.
6. Tax on the net income of brokers and private bankers.
7. Tax on the matured shares of building and loan associations.
8. Tax on the gross receipts of notaries public in Philadelphia County.

II. Taxes received from officers collecting State taxes.

1. State tax on personal property. — This consists mainly of a tax of four mills on money on interest. It is collected by the collectors of the county tax.

2. Tax on inheritance. — A direct inheritance tax of two per cent is levied on all personal property exceeding \$5000 of an estate inherited by will or otherwise. A collateral inheritance tax of five per cent is levied on property inherited by any persons except direct ancestors or direct descendants, legally adopted children, and daughters-in-law of the person from whom the property is inherited. Inheritance taxes are collected by the registers of wills.

3. Licenses. — Merchants and other business men pay a mercantile license, collected by mercantile appraisers.

The State receives twenty-five per cent of the regular liquor licenses and all of the additional license tax imposed by the act of Assembly approved March 29, 1907. The retail liquor license in cities of the first and second classes is \$1000 and \$100 additional; in cities of the third class, \$500 and \$50 additional; in boroughs, \$200 and \$50 additional; in townships, \$100 and \$25 additional. Proprietors of theaters, circuses, and menageries are also required to pay a license. These licenses are paid to the treasurer of the county.

4. Tax on writs, wills, and similar papers.

5. Tax on fees of office.

United States property in the State, churches, hospitals, school houses, colleges, courthouses, and public buildings and grounds in general are exempt from some or all taxes; but no

property not used for public purposes shall be exempt from taxation.

The Public Debt. The General Assembly may enact laws authorizing the borrowing of money by the State; but all these laws must specify the purpose for which the money is borrowed and the money borrowed may not be used for any other purpose. Money is borrowed by issuing bonds.

Money may be borrowed only for the following purposes:

1. To supply casual deficiencies of revenue.
2. To repel invasions, suppress insurrections, and defend the State in war.
3. To pay existing debt.

A debt created to supply deficiencies in revenue shall never exceed \$1,000,000.

The *Sinking Fund* is a sum of money set aside and maintained for the purpose of paying the public debt of the State. It must be sufficient to pay the interest of the debt and to reduce the principal at least \$250,000 each year. The debt of the State is at present very nearly covered by the sinking fund.

Receipts and Expenditures of the State. Nearly all the receipts of the State are derived from taxes levied by the State, from fines for the violation of game, fish, pure food, and other laws, and from interest on State deposits.

The expenditures consist mainly of salaries of State officers, expenses for the maintenance of public buildings, appropriations for schools, hospitals, and charitable institutions, and for the payment of the interest and principal of the public debt.

The debt of a county, city, borough, township, school district, or other municipality shall never exceed seven per

cent of the assessed value of the taxable property; and no debt greater than two per cent of the assessed valuation can be created without the assent of the voters given at a public election.

Questions Requiring Reference to the Constitution. 1. May the State assume the debt of a county, city, borough, or township? Art. IX, Sec. 9.

2. What provisions must a county, township, or other municipality make for the payment of a debt? Art. IX, Sec. 10.

3. What revenue shall be placed in the sinking fund? Art. IX, Sec. 11, 12.

4. For what purpose besides paying the public debt may the sinking fund possibly be used? Art. IX, Sec. 11.

5. May the public money be used by an officer of the State for private purposes? Art. IX, Sec. 14.

ARTICLE X.

EDUCATION.

The State Constitution provides for the education of all children of the State over six years of age and enjoins upon the General Assembly to provide for the maintenance of an efficient system of public schools.

The Public School System. The Swedes had schools in Pennsylvania before Penn's arrival; but the foundation of the public schools of the State was laid by William Penn and the Assembly in 1683, when a law was enacted which, in some respects, was two hundred years ahead of the times, since it provided not only for universal education under the supervision of the government but also for industrial and compulsory education.

This law provided "That all persons in this Province and Territories thereof, having children, and all guardians and trustees of orphans, shall cause such to be instructed in reading

and writing, so that they may be able to read the Scriptures and to write by the time they attain to twelve years of age; and that they be taught some useful trade or skill, that the poor may work to live, and the rich if they become poor may not want; of which every County Court shall take care." A fine of five pounds for every child was made the penalty for neglecting to obey the provisions of the law.

Most of the earlier schools were sectarian schools and the teacher usually was the minister or his assistant, but separate schools were soon established. There was such decided opposition to the education of children at public expense that before 1834 most of the schools were pay schools.

In 1834 the *free school* law was passed, but each district was allowed to decide by an election whether the law should be adopted or not. The last district in the State accepted the law in 1874. The free textbook law was passed in 1893 and a compulsory education law in 1895.

School Districts. Each city, borough, incorporated town, and township constitutes a separate school district. There are four classes of school districts.

School districts having a population of 500,000 or more are school districts of the first class; those having a population of 30,000 to 500,000 are school districts of the second class; those having a population of 5000 to 30,000 are school districts of the third class; and those having a population less than 5000 are school districts of the fourth class.

Independent school districts, in which the people pay their own school expenses, may be established by the court of common pleas after petition to the court of a majority of the taxable inhabitants.

School Officials. The care and supervision of the public schools are entrusted to a State Board of Education,

a Superintendent of Public Instruction, county and district superintendents and assistant superintendents, boards of school directors, supervising principals, and teachers.

The State Board of Education consists of seven members. The Superintendent of Public Instruction is *ex-officio* a member and is president of the board. The six other members are appointed by the Governor with the advice and consent of two-thirds of the Senate, for a term of six years, one being appointed each year. Their term begins on the first day of July. Three of the members shall be successful educators of high standing, connected with the public school system of the State. They receive no compensation other than necessary expenses.

Among the powers and duties of the State Board of Education are the following:

To recommend legislation for the public schools to the Governor and the General Assembly.

To inspect and require reports from the educational work in schools supported wholly or partly by the State and not supervised by public school authorities.

To encourage and promote agricultural education, manual training, domestic science, and other vocational and practical education.

To prescribe rules for sanitary equipment and inspection of school buildings.

To take other action deemed necessary to promote the physical and moral welfare of the school children.

The Superintendent of Public Instruction is appointed by the Governor with the advice and consent of two-thirds of the Senate, for a term of four years. His salary is \$5000 per annum.

He is the head of the educational department of the Commonwealth and as such he renders decisions and inter-

pretations of the school law and gives advice and information to school officers and citizens concerning school affairs. He shall submit an annual report to the General Assembly, and sign all orders on the State Treasurer for the payment of money to district treasurers.

He commissions the superintendents of schools and may remove them for neglect of duty, incompetency, or immorality.

He shall prepare suitable blanks and forms for reports and other papers required by law, shall prescribe minimum courses of study, and shall classify the high schools of the State.

He shall appoint two deputy Superintendents of Public Instruction, an expert assistant in agricultural education, an expert assistant in industrial education, an expert assistant in drawing, and four inspectors of high schools.

The Superintendent of Public Instruction is

The following is a list of the Superintendents of Common Schools and Superintendents of Public Instruction of Pennsylvania:

Henry C. Hitchcock — 1857-1860.
 Thomas H. Burrowes — 1860-1863.
 Charles R. Coburn — 1863-1866.
 James P. Wickersham — 1866-1881.
 E. E. Higbee — 1881-1890.
 D. J. Waller — 1890-1893.
 Nathan C. Schæffer — 1893-

County Superintendents are elected by the school directors, by *viva voce* vote, on the second Tuesday in April, a majority being required to elect. The term is four years and begins on the first Monday in May.

The county superintendent has supervision of the public schools of the entire county except in cities and in those boroughs and townships which have their own su-

perintendents of schools. He is the head of the educational department of the county.

He holds examinations of applicants for teachers in the public schools and grants certificates to such as are properly qualified.

It is his duty to visit the schools as often as practicable. He gives advice to teachers and endeavors to improve the educational affairs of the county in general. He shall report to the directors any inefficiency found in a school and shall inspect school grounds and buildings and report to the directors any violations of the law. He shall see that the branches required by law are taught in each district and shall make an annual report to the Superintendent of Public Instruction.

Once in each year he is required to hold a county teacher's institute. Any districts having their own superintendent and employing not less than forty teachers may hold a separate teacher's institute.

The new school code of 1911 provides that the first election for county superintendent under this law is to take place on the first Tuesday in May, 1914, the person elected to serve until the first Monday in May, 1918.

No person is eligible to the office of county, district, or assistant superintendent unless he holds a college or Normal School diploma or a teacher's state certificate, and unless he has a good moral character and has had successful experience in teaching within three years or successful experience as a superintendent of schools, but serving as a superintendent at the time of his election shall be deemed a sufficient test of qualifications.

The salary received by the county superintendent from the State shall not be less than \$1500 nor more than \$2000 per year. The convention of directors electing him may, however, vote him a larger salary, but the increase must be paid out of the school fund appropriated for the school districts of the county.

A vacancy in the office of county superintendent is filled

by appointment by the Superintendent of Public Instruction for the remainder of the term. If objections are made to the elections of a county superintendent they are investigated by the Superintendent of Public Instruction and if found valid he appoints a county superintendent for the term.

The oath of the county superintendent must be administered to him by a judge of common pleas or by the Superintendent of Public Instruction.

Assistant County Superintendents may be appointed by the county superintendent, for his term of office, upon nomination by the county superintendent to the five officers of the school directors' association and the confirmation by a majority vote of these officers.

Every county superintendent having more than 200 schools under his supervision shall have an assistant county superintendent; and he shall have an additional assistant superintendent for each additional 200 schools up to 800. Beyond this number he shall have an additional assistant for every additional 400 schools or fraction thereof.

A District Superintendent shall be elected by the directors in every district of the first and second classes and may be elected in districts of the third class, for a term of four years. Such assistant district superintendents may be elected as the board deems wise.

The directors of third and fourth class districts having no district superintendent may elect a supervising principal for a term not exceeding three years.

School Directors. *Number, Term, and Election.* The term of school directors is six years.

School districts of the first class have fifteen school directors. They are appointed in October, by the judges of the court of common pleas, five being appointed every second year. Their term begins on the second Monday in November. The board of directors in first-class districts is called the board of public education. Each first-class

district is divided into ward districts and each of these ward districts elects seven school visitors.

In districts of the second, third, and fourth classes the directors are elected at large by the voters of the district at the municipal election. Their terms of office begin on the first Monday in December.

School districts of the second class have nine directors, three being chosen every second year.

School districts of the third class have seven directors, two being chosen at two succeeding municipal elections and three at the third election.

School districts of the fourth class have five directors, two being chosen at two succeeding municipal elections and one at the third election.

In independent school districts of any class the directors are appointed by the judge of common pleas, in November, and their term begins on the first Monday in December.

If two or more candidates receive a tie vote they shall decide in such manner as they see fit who shall take the office and shall file the result with the secretary of the board of directors within twenty days after the election.

Women not less than twenty-one years of age may be elected to any office connected with the public schools.

(For conditions of ineligibility, see incompatible offices.)

Vacancies. In districts of the first class and in independent districts a vacancy shall be filled by appointment by the court of common pleas for the unexpired term; in other districts, a vacancy shall be filled by a majority vote of the remaining members of the board within thirty days and the person elected to the vacancy shall serve until the first Monday in December after the first municipal election occurring more than thirty days after his election.

Qualifications. Any person may be elected a school director who is a citizen of the State, at least twenty-one

years of age, of good moral character, and who has been a resident of the district for at least one year preceding the election.

Meetings and Organization. In school districts of the first class, the school year begins on the first day in January and in other school districts on the first Monday in July.

In each district the board organizes on the day the terms of the directors begin. If new members of the board have not taken the oath before some justice or other person empowered to administer oaths, the temporary president chosen for the purpose of organization may administer the oath.

In each school district the directors shall elect a president, vice-president, secretary, and treasurer. The president and vice-president shall be chosen from their members. In first and second class districts the secretary and treasurer shall not be members of the board and in first-class districts the city treasurer shall be treasurer of the school board. In third and fourth class districts the secretary and treasurer may be members of the board, but both offices shall not be held by the same person.

The board of directors may appoint a solicitor, clerks, and such other appointees or employees as it may deem proper, at salaries fixed by the board.

The board shall meet in regular meeting at least once every two months during the school term.

Duties. The school directors are at the head of the educational department of the township and in this capacity they elect teachers for the schools and fix their salaries, build and repair school houses, provide school supplies, fix the length of the school term, arrange the course of study, and decide upon a series of text books. One or more of them shall visit each school in the district at least once each month except in districts having district superintendents or supervising principals.

They must provide a sufficient number of common schools for the accommodation of persons between six and twenty-one years of age.

They may adopt reasonable rules and regulations for the management of school affairs, the conduct of superintendents and teachers and the management of athletics and games. They shall keep the school grounds in a neat and sanitary condition and shall provide and maintain a proper number of shade trees.

In districts of the second, third, and fourth classes, textbooks adopted must be continued in use for at least five years.

The plans for a new school building must be submitted to the State Board of Education. In every schoolroom the light area must equal at least twenty per cent of the floor space and there shall be not less than fifteen square feet of floor space and two hundred cubic feet of air space to each pupil.

School directors serve without pay, but the board may grant a salary to the secretary and the treasurer.

Every four years the directors of the county meet in convention to elect a county superintendent. They are annually called together by the county superintendent in the convention of the School Directors' Association. The association elects a president, two vice-presidents, a secretary, and a treasurer.

Teachers. Every teacher must be of good moral character and must be at least eighteen years of age. Teachers of merit and experience, holding State certificates which exempt them from further examinations, may be elected for any length of time not exceeding three years.

No teacher shall be employed unless he receives a vote of three-fourths of the board, who is related to any director as father, mother, brother, sister, husband, wife, son, daughter, step-son, step-daughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.

A teacher may be dismissed by the directors, after a

hearing, for immorality, incompetency, intemperance, cruelty, negligence, or a violation of the school law.

Any teacher who, unless released by the board of directors, refuses or neglects to teach through the term, is disqualified from teaching in any public school in the State for the rest of the term.

No person shall teach more than five school terms on a provisional certificate.

No certificate shall be granted to a person who has not presented a certificate from a physician that the applicant is neither mentally nor physically disqualified, by reason of tuberculosis or any other chronic or acute defect, from performing the duties of a teacher; nor to any person not of good moral character, or who habitually uses narcotic drugs, or intoxicating drinks as a beverage.

Before beginning to teach, every holder of a permanent, special, or State certificate shall present it for registration to the proper superintendent.

The minimum salary of teachers holding professional or State certificates and having taught successfully two years is \$50 per month; of other teachers, \$40 per month; but if the General Assembly appropriates the necessary money, the minimum salaries shall be \$55 and \$45 respectively.

Attendance. Every child between the ages of six and twenty-one years and a resident of the school district may attend the public schools. Every child between the ages of eight and sixteen years must attend school during the entire term; but the directors may reduce the period of compulsory attendance to not less than seventy per cent of the school term; and any child between the ages of fourteen and sixteen years, who has regular employment and holds a certificate as to age and ability to read and write the English language intelligently, is not compelled to attend school.

The board of directors of first, second, and third class districts shall appoint one or more attendance officers and fourth class districts may do so. These officers shall enforce the provisions concerning compulsory education.

No children can be compelled to attend school at a distance of over two miles unless free transportation is furnished.

No person having tuberculosis of the lungs shall attend school or be employed in any school.

School Term. The minimum school term in districts of the first and second classes is nine months; in districts of the third class, eight months; and in districts of the fourth class, seven months.

No school shall be kept open on Saturday unless Monday is fixed by the directors as the weekly holiday, nor on Sunday, the Fourth of July, or Christmas, nor during the time of holding the teachers' institute.

State Normal Schools. There are thirteen Normal School districts in the State. The object of these schools is the educating and training of young men and women to be teachers in the public schools of the State. They are under the management of eighteen trustees, nine elected by the stockholders and nine appointed by the Superintendent of Public Instruction.

The State Board of Education is empowered to purchase the State Normal Schools of the State, with the consent of the stockholders and the approval of the Governor. Normal schools owned by the State shall be managed by a board of nine trustees, residents of the districts, appointed by the State Board of Education.

The State examinations of students are conducted by a board of examiners appointed by the Superintendent of Public Instruction. Those who pass the examinations for graduation successfully receive a State Normal School Cer-

tificate, entitling them to teach for two terms. After two years of successful teaching they are granted a State Normal School Diploma, which entitles them to teach without further examination. The tuition of each student over seventeen years of age, who signs an agreement to teach two full terms in the common schools of the State and receives regular instruction in pedagogy, is paid by the State.

High Schools and Other Schools. High schools with a four years', a three years', and a two years' course are known respectively as high schools of the first, second, and third class.

No new high school shall be established in districts of the fourth class without the consent of the Superintendent of Public Instruction and the County Superintendent.

The school directors in every school district may also establish and maintain manual training schools, vocational schools, domestic science schools, agricultural schools, evening schools, kindergartens, libraries, museums, reading-rooms, gymnasiums, playgrounds, schools for the blind, deaf, and mentally deficient, truant schools, schools for adults, public lectures, and other schools and educational features that they may see proper to establish.

The Pennsylvania State College, which was established in 1855 as the Farmers' High School of Pennsylvania, and *The State Forest Academy*, established in 1903, are also under State supervision.

Among other State schools and institutions at which instruction is given are the Soldiers' Orphan Schools at Chester Springs and Uniontown; the Soldiers' Orphans' Industrial School, Scotland; the Pennsylvania Reform School, Morganza; the Pennsylvania Industrial Reformatory, Huntingdon; the State Institution for Feeble-Minded of Western Pennsylvania, Polk; and the Home for Training in Speech of Deaf Children before they are of School Age, Philadelphia. The State also provides and supports a school for the Cornplanter Indians of Warren County.

Taxation and Appropriation. The Constitution provides that the General Assembly shall appropriate not less than \$1,000,000 annually to the public schools of the State.

One-half of the State appropriation to the public schools is distributed on the basis of the number of regular teachers of the district and one-half on the number of children between six and sixteen years of age. The State appropriation, or a part of it, may be withheld for neglect or refusal to comply with certain provisions of the school law. No appropriation may be made for the use of a sectarian school.

The school directors levy a school tax once each year. The rate of taxation in first class districts shall not be less than five nor more than six mills on the dollar; and it shall not exceed twenty mills in second class districts or twenty-five mills in third and fourth class districts. Districts of the second, third, and fourth classes shall also collect an occupation tax of not less than one dollar on each male resident or inhabitant.

The directors in any school district may make provision for a teachers' retirement fund.

A State School Fund is established in which shall be placed eighty per cent of the net receipts and proceeds of State forest reservations, water-rights belonging to the Commonwealth, and real estate owned by the Commonwealth, but not used for State or other public purposes, and all other money or property which may in any manner be given to this fund.

ARTICLE XI.

THE MILITIA.

The State Militia. The States do not keep standing bodies of troops in regular service, but each State has an organized militia and receives the encouragement of Congress in this respect. (See U. S. Const., Art. I, Sec. 10, Cl. 3).

The Constitution of Pennsylvania provides that the free-men shall be armed, organized, and disciplined for defense when directed by law. The General Assembly shall make appropriations for maintaining the militia. The militia of Pennsylvania consists of organized militia and reserve militia. The organized militia is called the National Guard. There were 1,081,845 men subject to military duty in 1910.

The National Guard of Pennsylvania. *Composition.* In time of peace the National Guard shall consist of not more than one hundred eighty companies of infantry, twelve troops of cavalry, five batteries of field artillery, four machine-gun companies, four companies of engineers, four signal corps companies, four hospital corps companies, sixteen regimental bands, and four ambulance companies. There shall not be more than one major-general or five brigadier-generals. In time of war, riot, or other times of danger the size of the organized militia may be increased. Enlistments in the National Guard are voluntary and for a period of three years; but no person shall be enlisted who is not more than eighteen years and less than forty-five years of age. The National Guard of Pennsylvania numbers 10,280 men (1910).

Officers. The officers are commissioned by the Governor for a term of five years. The Governor is Commander-in-chief.

The division (the National Guard itself) is commanded by a Major-General, who is appointed by the Governor with the consent of the Senate.

Each brigade is commanded by a Brigadier-General, appointed like the Major-General. The National Guard has three brigades.

Each regiment has one Colonel, one Lieutenant-Colonel, and not more than three Majors. These officers are elected by the commissioned officers of the companies of the regiment.

Each company and troop has one Captain, one First Lieutenant, and one Second Lieutenant. A battery of artillery has a Captain, two First Lieutenants and one Second Lieutenant. These officers are elected by the non-commissioned officers and privates of the company except in the hospital corps, for which they are appointed by the commander-in-chief.

Commissioned officers are retired at the age of sixty-four years; and they may be retired, on their own application to the Adjutant-General, after service of forty years as officer or soldier, or after serving continuously for ten years or fifteen years in the aggregate, as an officer.

Service. The National Guard is of great service in suppressing riots or insurrections within the State. It is the most powerful agent of the State that may be used by the Governor in enforcing the law. When called into the service of the nation, it is also a powerful adjunct to the regular army of the United States.

The various companies meet frequently for drill and practice and once a year the entire National Guard meets in a summer camp for practice, drill, and instruction.

The Naval Force of the State of Pennsylvania. The State Naval Militia was established by the act of 1893. In time of peace the Naval Force shall not exceed one regiment of two naval battalions.

ARTICLE XII.

PUBLIC OFFICERS.

Officers for Whom Provision is made in the Constitution. Let the student make a list of officers —

1. For whose election to office the Constitution provides.
2. For whose appointment to office the Constitution provides.
3. For whose succession to office the Constitution provides.
4. A list of the most important officers for whose election or appointment the Constitution does not directly provide.

Incompatible Offices. *Incompatibility.* The following statements of incompatibility are taken from the State Constitution and from various laws passed by the General Assembly:

A United States officer, whether executive, legislative, or judicial, can not be justice of the peace, notary public, mayor, burgess, alderman, resident physician of the lazaretto, constable, election officer, or county controller.

An officer of the United States, State, county, city, or an incorporate district, whether in the legislative, executive, or judicial department, and a person who has within two months held any office under the United States, State, county, or city, except justices of the peace and militia officers, cannot be an election officer.

A State officer receiving salary or fees can not be a member of Congress, a United States officer, or a district attorney.

The Governor and Lieutenant-Governor can not be a member of Congress or hold any United States or other State office.

A judge of any court in the State can not be a practising attorney, alderman, or notary public.

A member of the General Assembly can not be district attorney, city councilman, member of Congress, or any United States or State officer, except attorney-at-law and in the militia.

A county commissioner can not be a school director or a member of the board of health.

A county treasurer can not be a judge, prothonotary, clerk of the courts, register of wills, recorder of deeds, county commissioner, or county auditor.

A county auditor can not be a guardian of the poor, prison inspector, controller of public schools, member of the board of health, or person employed in the sheriff's, commissioner's, or treasurer's office.

A county controller can not be a county commissioner, county treasurer, prothonotary, clerk of the courts, register of wills, recorder of deeds, sheriff, district attorney, or chief clerk or deputy in one of these offices.

A member of the board of health can not be any other officer except school director, constable, or election officer.

An alderman and an attorney-at-law can not be prison inspector.

Member of city councils, guardian of the poor, member of the board of health, and prison inspector are incompatible with each other.

A member of city councils can not be an officer chosen by councils or a city or county officer chosen by the people.

A chief burgess can not hold any other borough office nor be a member of council.

A justice of the peace can not be prothonotary, clerk of the courts, or associate judge.

A township or borough auditor can not be a school director, constable, path-master, or commissioner of roads.

A township commissioner can not hold another township office.

A township treasurer can not be a school director, township commissioner, or township auditor.

Any person legally convicted of exercising incompatible offices shall forfeit not less than \$50 nor more than \$500, one-half of which is applied to the support of the poor and one-half is given to the prosecutor.

Ineligibility. Certain officers are declared by law ineligible to certain other offices:

A member of the General Assembly can not be appointed to a civil office of the State during his term.

A judge, clerk of the courts, prothonotary, register of wills, recorder of deeds, county commissioner, or county auditor, is not eligible as county treasurer; and a county commissioner and a county auditor are not eligible as county treasurer for one year after the expiration of the term of office.

A county treasurer is not eligible as county auditor for two years after going out of office.

A United States officer is not eligible as county controller for one year after going out of office; and a county commissioner, county treasurer, prothonotary, register of wills, clerk of the courts, recorder of deeds, sheriff, district attorney, and their chief clerks or deputies, not for two years thereafter.

A district attorney is not eligible to the General Assembly or any State office.

A county commissioner is not eligible as a member of a board of health.

An alderman or a practicing attorney is not eligible as a prison inspector.

A member of city councils is not eligible to any office chosen by councils.

An election officer is not eligible to any office except that of election officer.

A mayor, chief burgess, county commissioner, district attorney; city, borough, or township treasurer, city councilman, township commissioner, road supervisor, tax collector, comptroller, auditor, or constable, or any officer whatever who has been removed from office for malfeasance in office, shall not be eligible to the office of school director.

Compatibility. In several instances the law states that two offices may be held at the same time by one person:

A township treasurer may be treasurer of the school board.

A school director, constable, or election officer may be a member of the board of health.

A justice of the peace may be an election officer.

Articles XIII and XIV are discussed under county government and Article XV under city government. Article XVI makes provisions concerning corporations and Article XVII concerning railroads and canals.

ARTICLE XVIII.

AMENDMENTS.

How Made. Amendments to the State Constitution may be made as follows:

1. An amendment may originate in either house of the General Assembly and is proposed by a joint resolution agreed to by a majority of the members elected to each house. The vote must be taken by yeas and nays.

2. The proposed amendment must be published by the Secretary of the Commonwealth, three months before the next general election, in at least two newspapers in every county in which so many newspapers are published.

3. The resolution proposing the amendment must again be passed by the next General Assembly.

4. The proposed amendment must again be published.

5. It must be submitted to the voters of the State, at least three months after its second proposal by the General Assembly, to be ratified or rejected. If it receives a majority of the popular votes it is a part of the Constitution.

No amendment or amendments may be submitted oftener than once in five years. When two or more are submitted at one time they shall be voted on separately.

Twelve amendments have been added to the State Constitution, three on November 5, 1901, and nine on November 2, 1909.

APPENDIX

The National Government in the State. The student should explain each of the following topics in its relation to the State of Pennsylvania or in its connection with the State government:

1. Presidential Electors. — The State Electoral College.
2. United States Senators.
3. United States Representatives. — Congressional Districts.
4. United States Judicial Circuits and Districts. — United States Judges. — United States Courts.
5. Postoffices.
6. Custom-houses. — There are custom-houses at Philadelphia, Erie, and Pittsburgh.
7. The Subtreasury at Philadelphia. — The Mint.
8. National Banks.
9. Internal Revenue. — The United States is divided into districts and a collector is appointed by the President for each district.
10. Immigration. — An immigrant station, in charge of a Commissioner of Immigration, is established at Philadelphia.

The States and Territories may appoint Immigration Agents to represent them at the various immigrant stations for the purpose of informing the immigrants of the special inducements offered to aliens to settle in the State or Territory represented by the agent.

11. Quarantine. — State quarantine station at Marcus Hook, Delaware County. Further protection afforded by

United States quarantine stations at Delaware Breakwater and Reedy Island.

12. The Weather Service. — The United States Weather Bureau has regular stations at Philadelphia, Pittsburgh, Erie, and Harrisburg; and in nearly every county there is one or more volunteer observers.

13. The Carlisle Indian School. — This school was opened on October 5, 1879, with 82 Sioux boys and girls as pupils.

14. The National Military Park at Gettysburg. — Established in 1895, as a military park for the training of United States and State soldiers.

15. The Philadelphia Navy Yard.

16. The Life-Saving Service. There is a life-saving station on the north side entrance of Erie harbor.

Legal Holidays. The following days are legal holidays and half-holidays in Pennsylvania: January 1, New Year's Day; February 12, Lincoln's Birthday; February 22, Washington's Birthday; Good Friday; May 30, Memorial Day; July 4, Independence Day; the first Monday in September, Labor Day; October 12, Columbus Day; the first Tuesday after the first Monday in November, General Election Day; Thanksgiving Day; December 25, Christmas; and every Saturday from 12 o'clock noon to 12 o'clock midnight.

Whenever any of these dates happen to fall on a Sunday, the following Monday shall be observed as a holiday. Banks are allowed to do business on Saturday afternoons if their directors vote to do so.

The State Capitol. In 1729 the Assembly of Pennsylvania passed a resolution to build a State House. It was commenced in 1732, but not fully completed till 1745. A part of it was occupied by the Assembly in 1735. Pre-

vious to the building of the State House, the Assembly of Pennsylvania met in private houses, in a school-house, and in a Quaker meeting-house.

The first capitol at Harrisburg was built in 1819 to 1821. Before the completion of this building the State legislature met in the Dauphin County court house. The capitol was destroyed by fire on February 2, 1897. A new capitol was commenced in 1898, which was occupied by the General Assembly in 1899, but was not fully completed till 1906.

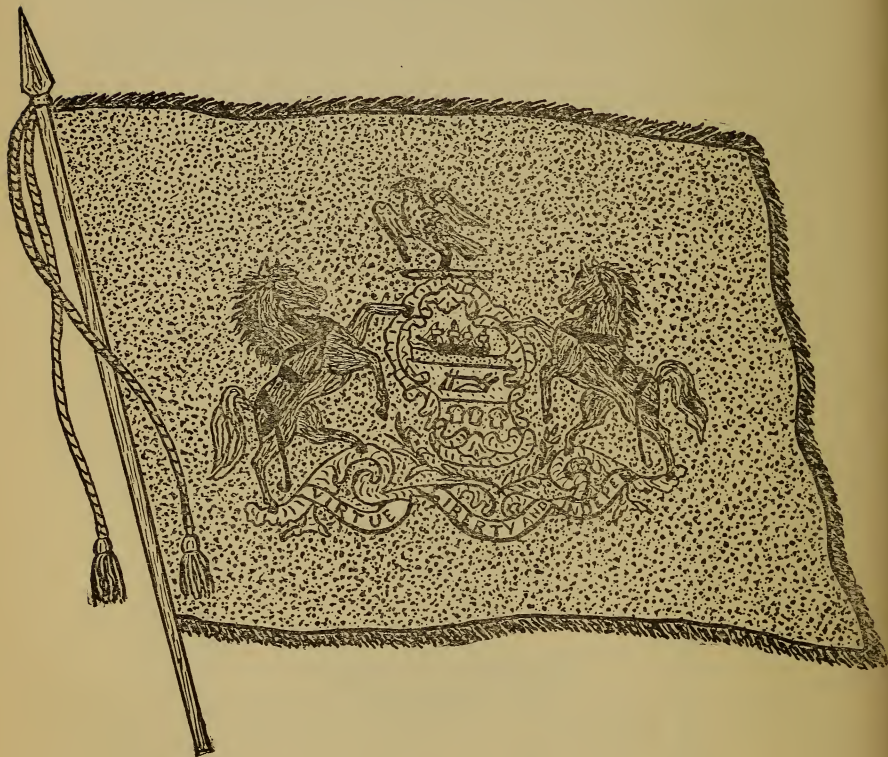
The State Flag. The banner of the Penns was never unfurled in Pennsylvania. The flag known as the provincial flag of Pennsylvania was designed by Franklin and was carried for the first time by the Associators, as the provincial militia was called, at the time of King George's War.



(By courtesy of the publishers, the illustration of the Provincial Flag was modeled after a similar illustration found in Dr. Shimmell's History of Pennsylvania.)

The State Flag adopted by act of June 13, 1907, is described in the first two sections of the act as follows:

"SECTION 1. Be it enacted, etc., That the flag to be known as the official flag of the Commonwealth of Pennsylvania shall be of blue, same color as the blue field in the flag of the United States, and of the following dimensions and design; to wit, The length, or height, of the staff to be nine feet, includ-



ing brass spear-head and ferrule; the fly of the said flag to be six feet two inches, and to be four feet six inches on the staff; in the center of the flag there shall be embroidered in silk the same on both sides of the flag the coat-of-arms of the Commonwealth of Pennsylvania, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, two and one-half inches wide; a cord, with tassels, to be attached to

the staff at the spear-head, to be eight feet six inches long, and composed of white and blue silk strands.

"SECTION 2. The flag of the Commonwealth of Pennsylvania to be carried by regiments of the National Guard of Pennsylvania shall be the same as the flag described in the first section of this act, with the addition of two scrolls, in red, one above and one below the coat-of-arms of the Commonwealth; in the upper scroll the inscription, '—, Regiment Infantry,' and in the lower scroll the inscription, 'National Guard of Pennsylvania.'"

Some State Laws of General Interest. 1. Any person who wilfully pollutes, damages, or tears down a United States flag placed on any building or grounds or along any highway, public or private, or who uses the flag for advertising purposes, may be punished by a fine not exceeding \$500 or imprisonment not exceeding six months or both. No red flag intended to represent anarchy shall be carried in a public procession.

2. For wilfully giving a false alarm of fire, a penalty may be imposed not exceeding a fine of \$100 or imprisonment for one year, or both.

3. If any person is boisterous, or makes a noise, or uses improper language, by which he disturbs the peace or annoys persons residing in the locality, or traveling on a railway car, or visiting a park or picnic ground, he may be fined not more than \$10, and in default of payment he may be committed to jail for not more than thirty days.

4. If any person injures or cuts down a tree growing along a public road or negligently allows his horse or other domestic animal to injure such tree, he may be fined \$5 for each tree injured or cut down; and for wilfully, negligently, or maliciously injuring, destroying, or removing a tree growing on the land of another, without his consent, he may be fined not exceeding \$500 and imprisoned not exceeding three months.

5. A fine not exceeding \$10 may be imposed on a person for throwing waste paper or other rubbish into any street in the State or for scattering the contents of any receptacle containing ashes, garbage, or other rubbish.

6. Any person furnishing cigarettes or cigarette paper, in any manner whatever, to any person under twenty-one years of age, may be fined from \$100 to \$300.

PRESIDENTS AND GOVERNORS OF PENNSYLVANIA

CHAIRMAN OF THE COMMITTEE OF SAFETY

Benjamin FranklinSept., 1776

PRESIDENTS OF THE SUPREME EXECUTIVE COUNCIL

Thomas Wharton, Jr. (died May 23, 1778) March 5, 1777
 George Bryan, Vice-Pres., Acting President.....May 23, 1778
 Joseph ReedDec. 1, 1778
 William Moore.....Nov. 14, 1781
 John DickinsonNov. 7, 1782
 Benjamin FranklinOct. 18, 1785
 Thomas MifflinNov. 5, 1788

GOVERNORS OF PENNSYLVANIA

Thomas MifflinDec. 21, 1790	William F. Packer .Jan. 19, 1858
Thomas McKean ...Dec. 17, 1799	Andrew G. Curtin .Jan. 15, 1861
Simon SnyderDec. 20, 1808	John W. Geary ...Jan. 15, 1867
William Findlay ...Dec. 16, 1817	John F. Hartranft .Jan. 21, 1873
Joseph HiesterDec. 19, 1820	John F. Hartranft .Jan. 18, 1876
John A. ShulzeDec. 16, 1823	Henry M. Hoyt ...Jan. 21, 1879
George WolfDec. 15, 1829	Robert E. Pattison Jan. 16, 1883
Joseph RitnerDec. 15, 1835	James A. Beaver ..Jan. 18, 1887
David R. PorterJan. 15, 1839	Robert E. Pattison Jan. 20, 1891
Francis R. Shunk ..Jan. 21, 1845	Daniel H. Hastings Jan. 15, 1895
(Resigned July 9, 1848.)	William A. Stone ..Jan. 17, 1899
Wm. F. Johnston * .July 26, 1848	S. W. Pennypacker .Jan. 20, 1903
William BiglerJan. 20, 1852	Edwin S. Stuart ...Jan. 15, 1907
James PollockJan. 16, 1855	John K. Tener... Jan. 17, 1911

*Interregnum. Johnston did not take the oath of office till July 26, 1848.

COUNTY GOVERNMENT

References in the State Constitution. Art. XIII; Art. XIV; Art. I, Sec. 6, 7, 9-11, 13-16; Art. III, Sec. 7, 21, 23, 32; Art. IV, Sec. 8; Art. V, Sec. 1, 4-9, 15, 17-20, 22-27; Art. VI, Sec. 4; Art. VII, Sec. 1; Art. VIII, Sec. 2, 10, 17; Art. IX, Sec. 1.

Nature of a County. A county is a political division of a State.

Practically everything that the officers of a county or township may do must first be authorized by a State or national law. In this way the county and township serve as mediums for carrying out the details of State government and giving all people, even in the remotest regions, equal benefits of the government. A county, for example, is used as a district in electing State Representatives, and senatorial and judicial districts are also based on county lines.

County is of French origin and was introduced into England by the Normans. Before that time a county was known in England as a shire, meaning a share or part of the country and originally consisting of several hundreds combined for purposes of government.

Formation of New Counties. The State of Pennsylvania is divided into sixty-seven counties. The city or town in which the court-house and county officers are located is called the county seat.

New counties can be established only by an act of the General Assembly; but no new county may be formed and no old county reduced in size so as to have an area of less

than 400 square miles or a population of less than 20,000 inhabitants, and in the formation of a new county no dividing line may pass within ten miles of the county seat of the county to be divided.

In 1682, the first counties in the State, Philadelphia, Chester, and Bucks, were organized by William Penn.

County Officers. The most important county officers found in some or all of the counties, are the following. The county commissioners, the sheriff, the district attorney, the treasurer, the county auditors or the county controller, the directors of the poor, the prison inspectors, the county surveyor, the county superintendent, the coroner, the jury commissioners, the recorder of deeds, the register of wills, the prothonotary, and the clerk of the courts. Many of these officers are allowed to appoint clerks, assistants, and deputies and a few minor officials are appointed by the commissioners. County officers, with the exception of the county superintendent, are commissioned by the Governor through the office of the Secretary of the Commonwealth.

The so-called county judges are actually district judges of the State. They are part of the State's judicial system and are paid by the State.

How Chosen. All the officers mentioned above, except the county superintendent, are elected by the voters of the county by ballot on municipal election day. In Philadelphia the prothonotary is appointed by the judges.

Qualifications. No person is eligible to any county office who has not been a citizen and inhabitant of the county for at least one year immediately preceding his election or appointment. District judges must be learned in the law. District attorneys must have been admitted to the bar at least two years.

Term. The county officers elected by the people serve

for four years and the term begins on the first Monday in January. The term of the district judges is ten years, beginning on the first Monday in January; of the associate judges, six years, beginning on the first Monday in January.

The sheriff and the treasurer cannot succeed themselves and the jury commissioners can have only two successive terms.

Vacancies. Vacancies in county offices are filled as follows:

In the office of commissioner and auditor, by the appointment by the court of common pleas of a voter who voted for the officer whose place is to be filled.

In the office of prothonotary, recorder of deeds, and register of wills, by appointment by the Governor till the next election, when the voters shall elect a successor for three years. In case of death, before entering upon the duties of the office, the Governor shall appoint a person to serve until the first Monday in January following the next election occurring two or more months after the happening of the vacancy.

In the office of district attorney, by appointment by the court of common pleas until the next election coming at least thirty days after the beginning of the vacancy, the person then elected to serve four years.

In the office of coroner, by appointment by the Governor till the next election.

In the office of treasurer, by appointment by the county commissioners for the remainder of the term.

In the office of jury commissioner, by appointment by the president judge for the remainder of the term.

In the office of sheriff, controller, judge, and clerk of the courts, by an appointment by the Governor till the first Monday in January following the next election occurring two or more months after the happening of the vacancy (Art. IV, Sec. 8, Const. of Pa.). In the absence of the sheriff, or while a vacancy exists, the duties of the sheriff are performed by the coroner.

In the office of county surveyor, prison inspector, and director of the poor, by appointment by the court of quarter sessions until the next election.

Oath of Office. All county officers are required to take an oath before some person authorized to administer oaths. These oaths are filed in the office of the prothonotary.

The Three Departments of Government in the County.

The county has no distinct legislative department. The commissioners, however, in a very small degree, have some kind of legislative power in the way of making regulations concerning public property.

The sheriff is the head of the executive department and the court of common pleas is the head of the judicial department.

The county officers and county governments vary somewhat in different counties. Much of the special legislation enacted before the present constitution went into operation is still in force.

County officials are required to furnish information contained in their offices, on application, to the head of any department of the State government.

The County Commissioners. Each county elects three county commissioners. No person is allowed to vote for more than two, so that one of them may belong to the minority party.

The county commissioners have charge of the public property and manage the business interests of the county. They exercise supervision over the court house, jail, almshouse, and other public buildings and erect and repair county bridges. They provide county officers with offices at the county seat. To purchase land or erect new buildings they must have the approval of two successive grand juries and of the court of quarter sessions.

They are authorized by acts of Assembly to establish a work-house for certain classes of convicted criminals; to pro-

vide a marker for the grave of any soldier or sailor; and they are required to appoint one or more persons in each township and ward to see that destitute soldiers and sailors receive decent burial. For the purpose of encouraging agriculture they are authorized to pay to incorporated county agricultural associations a sum of money equal to the premiums paid by the association on products of the county, but not exceeding \$1000; and no association shall receive such aid if it permits gambling on the grounds during its annual exhibit.

They have practical control of the financial affairs of the county. To raise money they levy a county tax and in cases of necessity they may borrow a limited amount of money. They purchase supplies for the use of the county and authorize the county treasurer to pay bills against the county. In some counties, however, the directors of the poor and the prison inspectors purchase the supplies needed for their purposes.

The commissioners furnish the ballots and a list of the voters to the election officers and provide suitable polling places. They also give instructions to assessors and may change the valuation of a person's property if he appeals to the commissioners against what he considers excessive valuation.

The commissioners meet as a board, two of them being necessary to transact business. The county may sue or be sued through the commissioners.

The *county solicitor* is appointed by the county commissioners to hold office during their term. He shall begin and prosecute suits brought by the county and defend suits brought against it and in general is the legal adviser of the commissioners.

The *mercantile appraiser* also is appointed by the county commissioners. His term is one year. In Philadelphia, however, five mercantile appraisers are appointed, for three years, by the Auditor-General and the City Treasurer.

It is his duty to estimate the amount of business done by each merchant or dealer in the county and furnish the county treasurer with a classified list of merchants. This appraisement is the basis on which the State levies a license tax to be paid by merchants.

The county commissioners may also appoint *inspectors of weights and measures*, whose duty it is to test the correctness of weights and measures used by dealers in the county.

The Sheriff. The sheriff is the chief executive officer of the county.

It is his duty to preserve peace and order in the county. He has authority to make arrests and to suppress riots and disperse mobs. For this purpose he may deputize citizens of the county to assist him. This body of deputies is known as the *posse comitatus*. If the sheriff is unable, with this assistance, to quell the disturbance, he may ask the Governor to send the National Guard.

He serves all writs and executes all orders of the court, both in civil and criminal matters. He has charge of prisoners while on trial. If they are convicted he takes them to jail or to the penitentiary; and if they are sentenced to capital punishment he executes them.

He sells property for the payment of debts when an execution or order to sell has been issued by the court. He also sells real estate for the payment of delinquent taxes.

He must give notice of the general election, in three newspapers, at least ten days before the election.

The District Attorney. The district attorney prosecutes persons charged with crime committed in the county. He draws up the indictments and lays them before the grand jury. At the trial he represents the Commonwealth against the accused. He is therefore the attorney representing the people in general in the effort to

suppress crime and punish criminals. In a case in which the district attorney is personally interested, the Attorney-General of the State may appoint a lawyer to take his place.

The *county detective* is appointed by the district attorney.

The County Treasurer. The county treasurer has charge of the public money of the county. He receives both the county and the State taxes, but money belonging to the State is paid quarterly by him to the State Treasurer. With the money belonging to the county he pays the county's bills on warrants drawn on him by the county commissioners or other officers authorized to do so.

The County Auditors. Three auditors are elected in each county having a population less than 150,000, but no voter is allowed to vote for more than two of the three candidates.

They audit the accounts of county officers handling public money. They investigate as to whether all money has been paid into the county treasury, examine all bills paid by the treasurer, and may disapprove of any payment which they think has been illegally made.

The County Controller. Counties with a population of 150,000 or more elect a controller instead of auditors; and on petition of twenty-five per cent of the voters, a controller may be chosen in smaller counties.

He shall have general supervision and control of the fiscal affairs of the county and of the accounts and official acts of county officers handling public money. He scrutinizes all bills and if he finds them legally due he certifies them to the commissioners and countersigns warrants drawn by the commissioners on the county treasury.

He keeps an account of the receipts and expenditures

of the county and has the custody of the bonds, contracts, and similar official documents of the county.

The Directors of the Poor. In many of the smaller or or less populous counties township overseers of the poor are chosen to care for the paupers and the needy. In a few counties the commissioners act as poor directors. The majority of the counties of the State, however, have poor-houses or almshouses and elect three directors of the poor, two being chosen at one municipal election and one at the next municipal election.

The board of poor directors supervises the management of the almshouse. They admit paupers as inmates when requested to do so by two justices of the peace, but children between two and sixteen years of age must be supported at some other place. Indigent persons dying in the county, whose bodies are unclaimed and are unfit for anatomical purposes, shall be buried by the poor directors or overseers at an expense not exceeding twenty dollars.

The Prison Inspectors. In most of the counties the sheriff has charge of the jail and in some counties he even serves as prison warden, the affairs of the jail being supervised by the county commissioners. Several counties, however, have prison inspectors, varying in number from two to fifteen. They are either elected by the voters or appointed by the county commissioners or the judges.

They usually have general supervision of the management of the jail, choosing the warden and other jail officials, providing food for the prisoners at rates fixed by the commissioners, and conducting the prison's industries.

The County Surveyor. The chief duty of this officer formerly was to survey the public land of the State

lying within the county. He now surveys the sites of public buildings and makes plans for the construction of roads and bridges. When requested he makes detailed maps of the county or portions of it. Surveyors frequently seek the office for the experience and prestige it brings them.

The County Superintendent. See Article X.

The Coroner. The coroner investigates the death of any person who was killed or died suddenly or under mysterious circumstances. He empanels a jury of six persons and summons witnesses to assist him in determining the cause of death and fixing the responsibility if death did not result from natural causes.

He may appoint deputies throughout the county. If the coroner or his deputy is unable to attend, a justice of the peace may hold the inquest.

The Jury Commissioners. Two jury commissioners are chosen in each county, but at the election a voter is allowed to vote for only one of the candidates.

Once a year the judge and the jury commissioners meet and select a number of persons to serve as jurors by writing the name, place of residence, and occupation of each on a slip of paper. These slips are placed in the jury-wheel. Before each term of court the jury commissioners and the sheriff meet and draw the panel of jurors to serve at the coming term. These persons are called veniremen. The judge decides how many jurors shall be drawn and the order to draw the jury is directed by the judge to the sheriff.

The Recorder of Deeds. Deeds, mortgages, charters of corporations, releases, commissions of county officers, and various other papers are recorded in the office of

the recorder of deeds. The date on which a document is presented for record is noted on its back, and a copy of it is preserved in the recorder's office.

A deed is a legal instrument or document in writing, conveying the ownership of real estate. A deed should be recorded within ninety days after it is executed to make it valid.

A mortgage is a document pledging real estate as security for the payment of a debt. Not only the date but also the hour and minute when it is presented for record is noted on the mortgage, since the mortgage first recorded has first claim against the property in case of non-payment of the debt.

The Register of Wills. The wills of deceased persons are recorded and kept in the office of the register of wills. When a person dies, his will, if there is one, must be probated; that is, it must be taken to the register and sufficient proof must be brought that it is the lawful will of the decedent. A copy of the will is then given to the executor mentioned in the will and letters testamentary are issued to him by the register. If there is no will, the register of wills appoints an administrator and gives him letters of administration. The register keeps a record of the transactions of executors and administrators.

If disputes arise concerning a will, the register of wills hears and decides the case. An appeal may be taken from his decision to the orphans' court.

In counties in which a separate orphans' court is established the register of Wills is also *clerk of the orphans' court*. With the approval of the court he may appoint an assistant or deputy to act as clerk of the orphans' court. The clerk of the orphans' court also issues marriage licenses and keeps a record of births and deaths in the county. In counties in which there is no separate orphans' court the duties of the clerk of this court devolve upon the prothonotary or upon the clerk of the courts.

The Prothonotary. The Prothonotary is the clerk of the court of common pleas and keeps a record of each case heard in this court.

A record of judgments and of mechanics' liens is kept in the office of the prothonotary.

A judgment note or judgment bond is a written acknowledgment of a debt. It may be given voluntarily by a person or may be obtained through the decision of the judge in a civil suit at law. A judgment constitutes a claim against real estate. The order in which judgments against the same property are entered in the prothonotary's office determines the order of payment.

A lien is a legal claim against property for the payment of a debt. A mechanics' lien is a claim filed against a building by the contractor or some other person if he is not paid at the proper time for labor or material furnished.

The prothonotary also keeps a record of naturalizations, a register of the physicians of the county, and a record of national, state, county, and city elections.

The Clerk of the Courts. This officer keeps a record of the proceedings of the criminal courts — the court of oyer and terminer and the court of quarter sessions. He is often known simply as the clerk of quarter sessions. He administers the oath to the jurors and witnesses and issues the notices summoning persons to appear at court as directed by the judge. A record of township and borough elections is kept in this office.

In some of the less populous counties, two or more of the following offices are filled by one and the same person: prothonotary, clerk of the courts, register of wills, and recorder of deeds.

A **Board of Viewers** is appointed in each county by the court of common pleas, for a term of three years. A vacancy is filled by the court for a full term. In counties with over a million inhabitants the number of viewers shall not be less than six nor more than nine, in other counties not less than

three nor more than nine. Each member of the Board must be at least twenty-five years old, a freeholder, and a qualified voter and must have resided in the county at least five years prior to his appointment. Whenever a petition shall be presented to a court for the opening of a road or any other similar purpose the judge shall immediately appoint three persons, one of whom shall be learned in the law, from among the board of viewers, as a road jury or jury of view.

The *sinking fund commission* of each county consists of the commissioners, the controller, or auditors, and the treasurer.

The District Courts. While the courts held at the county seat are popularly known as county courts, they belong to the judicial system of the State and are actually district courts of the State. On account of their close connection with the county's interests it is preferable to discuss them under county government.

Each county has a court of common pleas, a court of oyer and terminer, a court of quarter sessions, and an orphans' court. Philadelphia County and Allegheny County have several courts of common pleas.

In counties in which the population exceeds 150,000 there shall be a separate orphans' court with a separate orphans' court judge; and the General Assembly may by law establish a separate orphans' court in any other county.

These courts meet separately at stated times during each year.

The *court of common pleas* tries civil cases, that is, cases which do not involve crime. Damage suits, suits for breach of contract, and disputes concerning the ownership of property or wages due, are examples of cases tried in this court.

Argument court is the name given to a special session of court, held without a jury, for the purpose of hearing cases based mainly on legal argument or the interpretation of certain points of law, as in granting writs of injunction.

The *court of oyer and terminer* tries criminal cases of a serious nature, like those involving murder, arson, or burglary. Oyer and terminer means hearing and determining.

The *court of quarter sessions* tries petty criminal cases, like cases of larceny and assault and battery. The term quarter sessions has reference to the quarterly meetings of the court. Liquor licenses are granted by this court; and when the court sits to hear applications for licenses it is known as the *license court*.

Special sessions of the court of quarter sessions, known as the *juvenile court*, are held to hear proceedings against neglected and incorrigible children under the age of sixteen years. Such children may be committed to the care of some respectable family or association willing to receive them or they may be placed in some training or industrial school.

The *orphans' court* has jurisdiction over the estates of deceased persons, minors, and persons incapable of managing their estates.

A *county court* has been established in Allegheny County. It is intermediate between a magistrate's court and a district court and hears civil cases in which the sum of money demanded does not exceed \$600, cases of desertion and non-support, and cases appealed to it from a magistrate's or alderman's court.

Judicial Districts. After each census the General Assembly of Pennsylvania passes a law designating the judicial districts of the State. By the act of 1901 the State was divided into fifty-six judicial districts.

A county containing at least 40,000 inhabitants shall constitute a separate judicial district. Counties containing a smaller population are united to form judicial districts, or, if necessary, may be attached to contiguous districts; but not more than four counties may be included

in one judicial district. Whether a county is a separate district or only part of a district, it has its own court house and jail.

District Judges. The district judges are frequently called county judges. Each district has at least one judge learned in the law. He is called judge of the court of common pleas and is also judge of the courts of oyer and terminer and quarter sessions, and of the orphans' court in counties which have no separate orphans' court. The General Assembly shall provide for additional judges whenever the business of the district shall show that more than one judge is necessary. Most of the districts have only one such judge. In counties having a separate orphans' court the judges of common pleas have no jurisdiction over orphans' court proceedings; but the judges of the orphans' court, at the request of the judges of the court of common pleas, may hear and determine proceedings in equity.

Judges who are willing to do so may be assigned by the prothonotary of the Supreme Court to preside at trials in another judicial district whose judge has requested assistance because of the large amount of business before the court. For such service the judge assigned to another district shall receive \$20 per day and car-fare.

Districts composed of more than one county elect one judge learned in the law, for the district, and each county elects two associate judges who need not be learned in the law.

Judges learned in the law are judges who have passed an examination in the law and have been admitted to the bar to practice as lawyers.

Judges learned in the law preside at the sessions of the court, see that the trial is conducted impartially and according to legal methods, decide points of law raised dur-

ing the trial, and sentence convicted criminals according to law.

Among other powers and duties of the judges are the following: to issue writs of habeas corpus, writs of injunction, and similar orders; to charter cemetery companies, church organizations, secret societies, and other corporations not for profit, to issue naturalization papers; and to grant petitions. They are also justices of the peace as to criminal matters. They are not allowed to practice law as an attorney in any of the courts while continuing in office.

In districts which have more than one common pleas judge learned in the law, the judge oldest in commission is the *president judge* and the other judge or judges are known as *additional law judges*. If the president judge is re-elected he, however, continues to be president judge. Both judges may sit together to hear a case or they may hear separate cases in different court rooms. If two happen to be elected at the same time they cast lots for priority of commission.

The county court of Allegheny County consists of one judge for each 200,000 population or fraction thereof exceeding 100,000. The judge oldest in commission is called the presiding judge.

Associate judges need not be learned in the law. They have in general the same powers that a judge learned in the law has, but are not supposed to hold court. They sit with the law judge during the sessions of court and give assistance in various judicial matters. The law judge holds court alternately in the counties composing the judicial district and during his absence from a county the associate judges of that county attend to its judicial business.

Which officers of the county have legislative powers? Executive powers? Judicial powers?

Juries. There are two classes of juries, the grand jury and the common or trial jury. The trial jury is either a petit jury or a traverse jury.

The *grand jury* is a body of twenty-three men who decide whether a person accused of a crime shall be brought before court for trial or not. (For the discussion of the grand jury, see Amendments, Article V, in "The Government of the United States.")

Other duties of the grand jury are to inspect the court house, jail, and other public buildings of the county, investigate their management, and make recommendations for their improvement; and to approve of the erection of public buildings, the location of county bridges, and the purchase of land for public purposes. They may also investigate the official conduct of public officers within the county and may bring indictments against them for neglect of duty or other official misdemeanor.

The *petit jury* is a body of twelve men who sit at the trial of a criminal case, hear the evidence and decide the case according to the evidence. The decision of a trial jury is called a verdict and it must receive the unanimous approval of the jury. The verdict of a petit jury is either "Guilty" or "Not guilty."

The *traverse jury* is a body of twelve men who sit at the trial and decide civil cases. The verdict is either "For the plaintiff" or "For the defendant." A traverse is a formal denial of allegations or charges made.

Trials. *A criminal trial.* The parties to a criminal case are the prosecutor and the defendant. The following are the principal steps in a criminal case:

The person accused of a crime is arrested and brought before a justice or some other magistrate for a hearing. If the evidence against him is sufficient he is either remanded to jail or released on bail.

The district attorney prepares a formal bill of indictment

and lays it before the grand jury when it meets at the opening of the next session of court.

The grand jury considers the indictment and if it finds a true bill the accused must stand trial.

At the time set for trial the accused is brought into court and the clerk reads the indictment charging him with crime.

The judge then requests the prisoner to plead. If he pleads "Guilty," no trial is necessary; if he pleads "Not guilty," the trial proceeds.

A jury of twelve men is empaneled, the clerk drawing the names from the list selected by the jury commissioners. Both sides may challenge or reject jurors who, in their opinion, will probably not decide according to the evidence. It sometimes happens that the entire panel of jurors summoned to attend court is exhausted in this manner and the sheriff may then summon any citizen present in the court room. Persons so summoned are called talesmen.

The district attorney, in behalf of the commonwealth, now states his case to the jury and brings forward the witnesses against the accused. Before giving testimony each witness must take an oath that he will tell the truth. After all the witnesses against the prisoner are heard, the commonwealth rests its case.

The attorney for the defendant then states his case to the jury and presents witnesses in favor of the accused. Witnesses on both sides may be cross-examined by the opposing lawyers.

When all the evidence is in, the attorney on each side makes his plea to the jury.

The judge then charges the jury, reviewing important evidence, explaining the law connected with the case, and instructing the jurors with regard to the kind of verdict that may be found.

The jury retires to another room to deliberate and as soon as the members have arrived at a unanimous decision they are brought into the court room to report the verdict. Occasionally a verdict is reached by the jury without leaving the jury-box.

If the verdict is "Not guilty," the prisoner is discharged. If it is "Guilty," the judge imposes the penalty by pronouncing sentence according to law.

In certain cases convicts may be released on probation instead of being sentenced according to law.

A civil trial. The parties to a civil trial are the plaintiff and the defendant. A civil case is not laid before the grand jury and the district attorney need not be an attorney in the suit. Each party to the suit provides himself with counsel to conduct his side of the case. The following is a brief outline of a civil case:

The defendant is summoned to appear at court on a certain day set for the trial of the case.

Both parties appear in court with their attorneys. A jury of twelve men is drawn. If either side objects to one or more of the jurors, eight more are drawn, and of these twenty men each attorney rejects four. By mutual agreement the parties to the suit may dispense with a jury and submit the decision of the case to the judge.

Both attorneys present their side of the case to the court or the jury and bring forward their witnesses, as in a criminal case.

The verdict of the jury in a civil case usually fixes the amount of damages or other conditions involved in the case. If the verdict is for the plaintiff, judgment is entered against the defendant on the records of the court.

Cases before the orphans' court are conducted without a jury.

Compensation of County Officers. In counties in which the population does not exceed 150,000 most of the county officers are paid by fees, but recent acts of the Assembly have provided several of the officers of counties containing less than 150,000 inhabitants with fixed salaries; in counties with more than 150,000 population all receive fixed salaries. These salaries vary in the different counties, being graded according to the population.

For example, the salary of the district attorney varies from \$300 per year in counties whose population does not exceed 10,000 to \$12,000 per year in counties containing over 800,000 inhabitants.

The salaries of the judges of the court of common pleas and of separate orphans' court judges are established as follows: In Philadelphia and Allegheny Counties, \$11,000 per

year; in judicial districts with a population of 250,000, but less than 500,000, \$8500; in districts with a population of 90,000, but less than 250,000, \$7000; in districts with less than 90,000 inhabitants, \$6000 per year. Common pleas judges of Dauphin County receives \$2000 additional per year for trying the Commonwealth's civil cases.

County Taxes. The *county tax* is levied by the county commissioners according to the property valuations made by the local assessors and is collected by local tax collectors.

The county also receives fifteen per cent of the liquor licenses and a license fee on each automobile registered in the county. The county commissioners may levy a tax not exceeding two mills on the dollar for the construction and repair of county roads; they may also levy a tax on dogs to defray the damages caused to sheep by dogs and for the payment of horses, mules, cattle, and swine which were bitten by mad dogs and died or had to be killed on this account; but at the end of the year any money in excess of \$200, raised by this tax and remaining unexpended, shall be paid into the school fund of the several school districts of the county. Three-fourths of the State tax on personal property is returned to the county.

Questions Requiring Reference To the Constitution. 1. Is the county superintendent a county officer? Art. XIV, Sec. 1, 2.

2. How is the public debt of a county limited? Art. XI, Sec. 8.

3. May the State pay a county's debts? Art. IX, Sec. 9, 10.

4. How may district judges be removed from office? Art. V, Sec. 15.

5. If a judge of Lebanon County would move to Luzerne County, could he still continue to serve as judge of Lebanon County? Art. V, Sec. 19.

6. If a case is decided in a court, is that decision final? Art. V, Sec. 10, 14, 24, 27.

7. May the courts of one judicial district differ from those of another? Art. III, Sec. 7; Art. V, Sec. 26.

8. Is a jury necessary in the trial of every case? Art. I, Sec. 9; Art. V, Sec. 27.

9. What is done with the property of a suicide? Art. I, Sec. 19.

10. How may a person accused of a crime be released from jail before trial? Art. I, Sec. 14.

TOWNSHIP GOVERNMENT

References in the State Constitution. Art. IV, Sec. 8; Art. V, Sec. 10, 11, 14; Art. VIII, Sec. 3, 11, 14, 17; Art. IX, Sec. 1; Art. X, Sec. 3.

Origin of a Township. The township originated among the Germans more than two thousand years ago. A number of houses were grouped together, each with a plot of ground, and the whole was surrounded by a ditch, a hedge, a wall, or a strong fence, called a *tun*. The land comprised within the enclosure was called the *tunscipe* (township). It became customary for several townships to assemble in political meetings to elect town officers and make laws. The townships so united were called the *hundred*, probably because they contained one hundred warriors or perhaps one hundred families. In northern England the township was at one time called the *by*, a term of Danish origin.

During the fifth century the Angles and Saxons invaded England and carried with them the German ideas of local government. These ideas were in turn transmitted to the American colonies. Penn's charter gave him the right "to Divide the said Country and Islands into Townes, Hundreds, and Counties, and to erect and incorporate Townes into Boroughs, and Boroughs into Citties"; and in 1684 there were already twenty-two townships in Pennsylvania.

In New England town and township mean the same thing and the New England town has great power in local government. The township of the Middle and Western States is not quite so important and powerful as it is in New England. In the Southern States it is hardly more than a voting precinct. The local government of New England is of the town type; that of the South, of the county type; while in the other States the governmental functions are more nearly equalized between the county and the township.

Nature of a Township. A township is a political division of a county. The laws by which a township is governed are made by the State or the United States. A township is a corporation and can therefore sue and be sued, can buy and sell property, can levy and collect taxes, and can borrow money. It may have sub-divisions like sub-school districts, voting districts, and road districts.

The township is the seat of the local government and the home of self-government. Too much importance can therefore not be attached to the soundness of township government and the integrity of township officers, since methods of township government may be employed in State and national government and township officers frequently become officers of the State or nation. It is in the township, borough, or city where most people learn their first practical lessons in government and where the great majority of the people come most closely in contact with the government. In the township, where every voter knows each candidate for office personally, political party lines should not be closely drawn, but the vote should be cast for the individual who will work for the best interests of the people and whose qualifications best fit him for the office.

In its relation to the county and State, the township is merely a division which makes it more convenient to carry out the laws thoroughly and effectively; but in its relation to the people it has a much greater significance since it is the township government to which they look directly for their ordinary comforts and conveniences. It is largely also the township government that gives the people the satisfaction and assurance that they are not governed but are governing themselves.

Formation of New Townships. New townships may be formed in Pennsylvania by the division of a township already existing. A petition signed by the owners of not

less than twenty-five per cent of the assessed valuation of the real estate of the township proposed to be divided must be presented to the court of quarter sessions. The court then orders a vote to be taken; and if a majority of the voters of the township favor the division the new township is established.

Classes of Townships. Townships are divided into two classes. Those having a population of 300 or more people to the square mile are townships of the first class; the others are townships of the second class. After each census the county commissioners issue a proclamation designating the townships belonging to the first class.

TOWNSHIPS OF THE SECOND CLASS

Township Officers. The officers of a township of the second class are supervisors, constable, school directors, assessors, tax collectors, auditors, overseers of the poor, treasurer, and election officers. While the justice of the peace and notary public are usually discussed in connection with the township officers, they are actually State officers and are commissioned by the Governor. The commissions for the other officers are received from the court of quarter sessions or from the board of election officers.

The office of township clerk was abolished in 1911.

How Chosen. The officers mentioned above, with the exception of the notary public, are elected by the voters of the township, on municipal election day. Some minor officers, like the clerks of election and road masters, are appointed by their superiors. The notary public is appointed by the Governor with the consent of the Senate.

Any voter who has resided in the township during one

year previous to the election is eligible to a township office; but women may be elected to the office of school director and overseer of the poor and may be appointed notary public.

In the offices of supervisor, auditor, and overseers of the poor, approximately one-half are chosen at each municipal election.

Term. The justice of the peace is elected for a term of six years, the constable, supervisors, assessor, tax collector, auditors, and overseers of the poor, for four years; the treasurer and election officers, for two years. The notary public is appointed for a fixed term of four years.

The terms of school directors and supervisors begin on the first Monday in December. The terms of all other officers elected by the people begin on the first Monday in January. The term of the notary begins as soon as he receives his commission. These officers, except the notary, serve until a successor has qualified.

Removal from Office. If any township officer refuses or persistently neglects to perform his duties and twenty-five citizens, owners of real estate, make complaint to the court of quarter sessions and prove the facts alleged, the court may declare the office vacant and appoint another person in place of the officer removed.

If a justice of the peace or an alderman shall fail to reside and maintain an office in the district for which he was elected, for a period of six calendar months, he may be removed from office on petition of ten qualified electors of the district.

Vacancies. Vacancies in township offices are filled as follows:

In the office of justice of the peace, by the Governor, who appoints a person to serve until the first Monday in January following the next election.

In the office of assessor, by the county commissioners, for the remainder of the term.

In the office of the constable and tax collector, by appointment by the court of quarter sessions, for the unexpired term.

In the office of supervisor, by appointment by the court of quarter sessions, on petition of the remaining members of the board and ten owners of real estate, for the unexpired term.

In the office of notary public, by appointment by the Governor, with the consent of the Senate, for four years, as explained under vacancies in Art. IV.

In other elective offices, except school director and election officers, by appointment by the court of quarter sessions until the next regular election.

A *tie vote* is a failure to elect and is usually treated as a vacancy.

Oath of Office. All township officers are required to take an oath before entering upon their duties. They generally subscribe to their oaths before a justice of the peace. The oath is administered to the justice of the peace by the recorder of deeds.

The Three Departments of Government in the Township. The constable is the chief executive officer of the township. The judicial department is vested in the justice of the peace. The township has no distinct legislative department. Whatever legislative power the township has is vested in the supervisors, who merely have the power to make some simple regulations concerning the roads and similar matters. In townships of the first class the township commissioners may adopt ordinances on certain matters.

The Supervisors. Each township elects three township supervisors. The board of supervisors organizes annually, at the place where the township auditors meet, on the first Monday in December. They shall elect one of their number chairman and shall choose a secretary and a treasurer who may be the same person and may or may not be a member of the board.

It is the chief duty of the supervisors to see that the roads and bridges are made and kept in repair. They

shall divide the township into one or more road districts and may employ a superintendent for the entire township, or a road master for each district, whose duty it is to see that the roads are made according to plans furnished by the supervisors and to oversee the men at work and to work himself, if required by the supervisors, at wages per hour fixed by the supervisors; but the supervisors themselves may oversee and work on the roads, instead of employing a superintendent or road masters, at wages fixed by the auditors. The wages shall not be less than \$1.50 nor more than \$3 for one day. The supervisors may make a contract with a citizen for repairing not more than ten miles of road for not more than four years. They are authorized to purchase the necessary materials and machinery for constructing roads.

They may erect a town house, in which to store road machinery, hold elections and hold meetings of township officers; and with the consent of a majority of the voters they may erect lockups.

They shall erect guide posts and may erect watering troughs along the roads. At least once each month, during May, June, August, and October, they shall remove loose stones from the roads or contract with some person to do so.

On account of increased demand for good roads, several laws have been passed tending to improve them. An act of the General Assembly of 1911 provides for a system of improved roads connecting county-seats, principal cities, and towns. These roads are known as State Highways and they are constructed and maintained at the expense of the State. The act provides for 296 routes of such State Highways. After approval by the grand jury and the court of quarter sessions, the county commissioners may locate or widen and otherwise improve a system of roads for public convenience. These roads are known as county roads and are maintained at the expense of the county. An agreement may be made between the State Highway Department, a county, and a township or borough for putting certain roads in excellent condition. Such roads are known as State-aid highways; and of the expense

of construction the State pays fifty per cent and the county and township each twenty-five per cent.

Several laws have been passed to encourage among the people a proper regard for the roads and a reasonable pride in their appearance. For planting trees along the roadside, an allowance of \$1 for every two trees is made, but this allowance must not exceed one-fourth of the tax for the year. For the use of at least four-inch tires in hauling loads of 2000 pounds or more, a rebate of one-fourth of the tax is allowed, the rebate not to exceed the cash equivalent of five days' labor on the road. At the request of a land owner, the supervisor is authorized to make and repair sidewalks along a public road, the expense to be divided between the township and the land owner.

The board of supervisors represents the township as the head of the corporation. In the absence of the constable the supervisors perform the duties of that officer.

New roads may be located, after a petition by citizens of the township, on the recommendation of a road jury of three viewers and approval by the court.

The Constable. The constable is the chief executive officer of the township. It is his duty to see that peace and order are preserved in the community and that the laws are properly observed. In case of a disturbance which he himself cannot suppress, the constable has the right to order citizens to assist him, or he may call upon the sheriff for aid in putting down a riot. He attends the court of quarter sessions to report concerning violations of the law in his district. Two constables may be elected in each township.

He arrests persons on warrants issued by a justice of the peace. If he sees a person commit an offense, he may arrest him without a warrant. Persons committed to jail are taken thither in custody of the constable. He executes search warrants and serves summonses and other writs issued by a justice. He sells the property of debtors when

ordered to do so by the justice of the peace, to the amount of \$300.

He must give notice of township elections by posting ten or more printed or written notices at the most public places at least ten days before the election; and within five days after the election he must deliver the certificates of election to the persons who stand elected.

The constable is also ex-officio fish and game warden.

The School Directors. See Article X.

The Assessor. The chief duty of the assessor is to place a valuation on all taxable property in the township as a basis for levying taxes. This valuation is made every three years and is known as the triennial assessment. During the other two years necessary changes are made in the valuations to cover the erection of new buildings and improvements in others and the arrival of new residents. The assessment of voters who do not own property is based on their profession or occupation.

If a person thinks his assessment is too high, he may appeal on a designated day to the county commissioners to have it reduced or from them he may appeal to court.

Each township has one assessor, and in townships divided into election districts an assistant assessor is elected in each district for a term of two years. The assistant assessor shall perform only the duties relating to elections and he is therefore chiefly a registry assessor. A vacancy in his office is filled by appointment by the court of quarter sessions.

The assessor prepares a list of voters for the election officers. He must personally visit every dwelling house on the first Monday in May and the first Monday in December, or as soon thereafter as possible. He must attend every election to give necessary information to the election officers.

He also makes a report to the clerk of the orphans' court of the births and deaths in his township and keeps a record of persons of military age.

The Tax Collector. This officer collects the taxes. His duties vary in different parts of the State with respect to the kinds of taxes he collects. The road tax, with the exception of delinquent taxes, is collected by the treasurer of the board of supervisors. The school directors sometimes appoint their own collector to collect the school tax. The collector commonly collects the State and county taxes, but in some townships these taxes are collected by the county treasurer or by collectors appointed by him.

The tax collector must notify every taxable by mail, within thirty days after receiving the tax duplicate, of the valuation of his property, the rate of taxation, the amount of his tax, and when and where the taxes shall be paid.

He must make monthly reports to the person to whom he must transmit the taxes collected.

The Auditors. There are three auditors. It is their duty to examine the accounts of township officers and publish a report showing the amount of money received and expended in the township. This report must be filed with the court and at least five copies of it must be posted in conspicuous places in the township. They have the right to disapprove of improper expenditures; and in this case the officer in whose account the rejected item of expense appears must refund it to the township unless he appeals to the court of common pleas and is sustained by the court in his appeal. This office provides a check upon illegal, unauthorized, or careless expenditure of public money.

The auditors also decide disputes concerning the making or repairing of line fences and appraise damages when sheep are killed by dogs.

The Overseers of the Poor. In townships electing these officers there are two overseers. The act requiring the election of overseers of the poor does not apply to counties having poorhouses or almshouses managed by the commissioners or by poor directors.

Their duty consists in giving support to the poor either by providing for them in their own homes, by paying other people to take care of them, or by contracting with an adjoining county having an almshouse to care for them.

The Treasurer. This office is abolished in all but a few counties of the State. It is the treasurer's duty to take care of the public money of the township. Supervisors and school directors choose their own treasurers.

The Election Officers. See Article VIII.

The Justice of the Peace. Two justices may be chosen in each township. Frequently only one of the justices chosen takes out his commission. With the consent of a majority of voters of a township, more than two justices may be chosen. To secure his commission the justice must pay \$3 to the recorder of deeds, which fee is sent by the recorder to the Secretary of the Commonwealth.

The principal duty of the justice of the peace is to hold court on a small scale, in which he decides disputes between persons and punishes offenders for minor breaches of the law. For more serious crimes he binds the accused over for trial at court, releasing him on bail when this is permissible. The punishments imposed by a justice consist of fines or occasionally of a short term of imprisonment. The accused may waive a hearing before a justice and have his case transferred to the criminal court for trial.

Civil suits in which the amount in dispute is not over \$300 may be tried by a justice. When the amount in dispute does not exceed \$5.33 the justice's decision is final.

Cases above this amount may be appealed to the court of common pleas.

The jurisdiction of a justice extends over the whole county, that is, he may hear cases brought from any part of the county.

The justice issues warrants for the arrest of persons. He also has authority to administer oaths, to draw up deeds and other legal documents and to attest the signatures thereto, to issue search warrants, and to perform the marriage ceremony.

The Notary Public. A notary public may be appointed wherever the Governor considers it advisable to do so. No person can be appointed a notary who is not a citizen of the State and who has not resided in the city or county for which the commission is issued for at least two years immediately preceding the appointment.

This officer administers oaths, protests notes and other bankable papers, takes depositions and affidavits, draws up and takes acknowledgments of deeds and other legal papers, and attests signatures to documents. He authenticates his acts by signing his name, attaching his seal, and adding the date upon which his term of office expires. His seal is recognized throughout the world. He pays \$25 to the State Treasurer for his commission.

A *customs notary* is a person who transacts notarial business with respect to United States customs. An ordinary notary may be appointed a customs notary by the Secretary of the Treasury.

Compensation. Township officers either receive a certain fee for each transaction of business, a fixed sum of money for each day they actually serve in the performance of their duties, a certain percentage upon public money handled by them, or practically no compensation at all.

The fees are paid largely by the persons for whom the business is transacted, while the daily compensation is paid by the township or the county. Thus the assessor and the election officers are paid out of the county treasury as is also part of the compensation of the constable.

Township Taxes. The supervisors may levy a road tax which shall not exceed ten mills; but upon the unanimous petition of the board of supervisors, sufficient cause being shown, the court of quarter sessions may order a greater tax than ten mills, but not to exceed ten additional mills, to be levied. The road tax shall not be payable in labor or worked out, but shall be collected in cash. Each township shall receive annually from the State an amount equal to fifty per cent of the road tax collected by the township, not exceeding \$20 for each mile of township road. This State appropriation must be used for making permanent improvements on the township roads according to plans and under the supervision of the State Highway Department.

For discussion of school tax, see Article X.

The overseers of the poor may levy a poor tax in townships where these officers are chosen. The township usually derives additional income from licenses, fines, and various other sources. Sixty per cent of the liquor license is given to the township for the support of the local government.

TOWNSHIPS OF THE FIRST CLASS

Township Officers. The law establishing a government for townships of the first class states that a township of this class shall elect township commissioners, a township treasurer, a township assessor, and three township auditors. Townships of the first class have no supervisor chosen by the people and no separate tax collector. In the year

in which the triennial assessment is made two assistant assessors are chosen for the valuation of real estate. The other officers of a township of the first class are the same as those of a township of the second class; and the laws of a township of the second class apply to townships of the first class unless changed by act of the General Assembly.

Term, Vacancy, and Compensation. The term of the township commissioners is two years, of the treasurer, assessor, and auditors, four years. The terms begin on the first Monday in January. The town clerk is appointed by the commissioners at their pleasure. The treasurer cannot succeed himself.

A vacancy in the office of commissioner is filled by the court of quarter sessions on petition of at least ten voters of the district in which the vacancy occurs; but if no such petition is made within thirty days, the commissioners themselves elect a person to the vacancy. The person elected or appointed shall serve for the unexpired term. A vacancy in the office of treasurer is filled by the commissioners for the unexpired term.

Commissioners receive no compensation. The pay of the town clerk is fixed by the commissioners. The assessor and assistant assessors receive \$5 per day. The treasurer is allowed to retain five per cent of the taxes collected by him.

The Township Commissioners. In townships of the first class, one commissioner is chosen in each election district, but the commissioner need not reside in the district for which he is elected. Each township, however, shall not have less than five commissioners; and in townships in which there are less than five election districts, each district shall elect one commissioner and the remaining number of commissioners shall be elected by the voters of the whole township.

The commissioners represent the township in its corporate capacity. They shall open, construct, and repair the roads; may construct foot-paths along highways and erect lights where deemed necessary; may cause sidewalks to be made in villages; may establish a system of sewers and drainage; may make regulations concerning offensive buildings and objects and abate nuisances prejudicial to health or safety; may establish a police force; may levy a tax not exceeding one per cent; and may borrow money. They may appoint one or more supervisors or engineers of highways, at pleasure.

They may adopt ordinances regulating the affairs of the township coming within their powers.

The Township Treasurer shall have charge of all the township moneys and shall collect the taxes levied in the township. He may also be treasurer of the school board.

The Town Clerk shall be the secretary of the board of commissioners and shall perform such other duties as they give him by ordinance.

BOROUGH GOVERNMENT

Nature of a Borough. A borough is a political division intermediate between a township and a city. It is an incorporated village or town.

Whenever the people of a village desire or need greater conveniences than the township can give them in the way of separate schools, improved sidewalks, lighted streets, a water supply, and greater protection against fire and crime and in regard to health, a majority of the voters may petition the court of quarter sessions to have the village incorporated as a borough. They must give notice of this petition for at least thirty days in one newspaper of the county. If the judge deems it expedient to do so he grants the petition. A village need not have a designated population before it can become a borough. A borough may be divided into wards, for the better administration of its government.

Borough Officers. A borough has all the township officers except the supervisors, and has also the following additional officers chosen by the people: the councilmen, the chief burgess, and the high constable.

The three departments of government are distinctly represented in a borough. The council constitutes the legislative department, the chief burgess is the head of the executive department, and the judicial department is vested in the justices of the peace.

Term, Vacancy, and Compensation. The additional borough officers are elected by the voters for a term of four years. Their terms begin on the first Monday in January. The chief burgess cannot succeed himself.

An ordinary vacancy in the borough council is filled by the members of the council themselves until the next regular election; but if the court of quarter sessions declares the seats of the councilmen vacant on account of the failure of the council to organize within ten days after the time fixed by law, such vacancy is filled by appointment by the court until the next borough election. Vacancies in the office of chief burgess and high constable are filled by the court of quarter sessions for the unexpired term.

The councilmen serve without pay. The salaries of the chief burgess and high constable are fixed by council.

The Council. The council is the legislative body of the borough. The laws made by the council are called ordinances. It represents the borough as a corporation.

In boroughs not divided into wards the council usually consists of seven members. Approximately one-half of the councilmen are elected at each municipal election. In boroughs divided into wards, the councilmen are apportioned among the wards, each ward electing from one to three councilmen.

The council elects a clerk or secretary, who keeps the records of the council and signs and publishes its ordinances; a treasurer, who has charge of the money received from the borough tax and from fines and licenses; and a borough engineer, who makes necessary surveys and fixes the grades for streets and sidewalks. It may also elect a solicitor, for a term of four years, to transact the borough's legal business and give the council legal advice, and a supervisor or street commissioner to construct and repair the streets of the borough. Sometimes the care of the streets is entrusted to a road committee of councilmen instead of a supervisor. It is also required to appoint a board of health of five members. The board of health shall elect a health officer, who shall execute the orders of

the board. The council elects one of its members president of council.

The ordinances of the borough are passed by a majority vote of the council. An ordinance begins with the words "Be it enacted and ordained." After the ordinance is passed by the council it is signed by the president and the clerk and is then given to the chief burgess. If he approves it he signs it. If he vetoes it, it may be passed over his veto by a vote of two-thirds of the council, or, when there are less than nine councilmen, by one vote more than a majority. It becomes a law without his signature, if he does not return it to council by the next regular meeting after it has been received by him. An ordinance must be advertised, after its approval, to become a part of the borough law.

The council examines all bills and if it finds them correct it orders the treasurer to pay them. On the petition of a majority of the freeholders in territory adjacent to a borough, the council may pass an ordinance to annex this territory to the borough.

The Chief Burgess. The chief burgess is the chief executive officer of the borough. During his absence or incapacity his duties shall be discharged by the president of council. He shall be present at the annual organization meeting of the council but shall have no vote unless the council is equally divided, in which case he shall have the deciding vote in the election of officers. He shall not take part in the meetings of the council on any other occasion.

He must sign or veto the ordinances enacted by the council. He must see that the ordinances of the borough are enforced and may himself arrest offenders against these ordinances. He is ex-officio a justice of the peace and as such he may hold a justice's court to decide upon the guilt and punishment of offenders.

The High Constable. This officer performs police duties and is expected to preserve order in the borough. The council may also appoint other policemen for the borough.

Boroughs divided into wards elect a justice of the peace, a constable, and an assessor in each ward. In making the valuation of property, the assessors of all wards shall act as a board of assessors.

Many boroughs were created before the present State Constitution went into effect; and since they have been allowed to some extent to keep their old form of government, the governments of some boroughs may vary slightly from the form just described.

Borough Taxes. The council may levy a tax for borough purposes, called the borough tax, which shall not exceed ten mills on a dollar. Of this tax one mill may be apportioned for public library purposes. It has no separate road tax, but the other taxes and sources of income are the same as those of a township.

CITY GOVERNMENT

Nature of a City. A city is a political division containing a large number of inhabitants in a comparatively small territory and having a more efficient government than that of a borough. It receives a charter from the State defining its powers and privileges, and future changes in its government are made by acts of the General Assembly.

A densely populated community requires a more thoroughly organized government than one which is sparsely settled or has its population distributed over a large area. The close proximity of large numbers of people requires effective laws for protecting them in their rights and for punishing offenders against the peace and good order of the municipality. Special provisions must be made for the conservation of the public health, for a water supply, for good streets and sidewalks, for light, and for transportation. There must be special protection against vice and crime and against fire. The cleaning of the streets and alleys, building operations, and the general appearance of the city must be controlled by municipal authority. Penal and charitable institutions, the postal system, and educational facilities require special attention.

Classes of Cities. Cities in Pennsylvania are divided into three classes:

Cities of the first class have a population of 1,000,000 or more.

Cities of the second class have a population of 100,000 to 1,000,000.

Cities of the third class have a population less than 100,000.

The State Constitution forbids special legislation regulating the affairs of cities. The cities of the State were therefore classified so that all laws passed to regulate city government are general laws with respect to cities of the same class. Through this classification provision can be made for the differences as to government necessarily existing between large and small cities and the constitutional prohibition is not violated.

Cities of the third class shall be chartered whenever a majority of the voters of any town or borough, or any two or more contiguous towns or boroughs within the limits of the same county, having a population of at least 10,000, shall vote at any general election in favor of this measure.

Philadelphia is the only first class city of the State. Pittsburgh and Scranton are cities of the second class. There are twenty-six cities of the third class in the State. Six of the cities of Pennsylvania have a population less than 10,000. These were incorporated before the present Constitution went into operation. The Governor certifies the fact to the councils of any city when it is entitled to an advance in classification.

General Plan of City Government. The same general plan is followed in the government of cities of the three classes. There are differences, however, in the method of administration and the general details of the government. The higher the class the more effective the government is intended to be and the more numerous and exacting the duties of the officers become. The government of a large city is as complex as the government of a State and probably more difficult.

The legislative department is vested in the city councils. The mayor is at the head of the executive department of

the city. He is assisted by the heads of a number of departments, divisions of the executive department, and other officers with special duties assigned to them.

The judicial department is vested in a system of courts similar to a justice's court but with greater power.

Cities are divided into wards. Wards are to a city what townships are to a county and several of the township officers are elected in each of the wards.

The Councils. In first and third class cities the councils consist of two branches, select council and common council; in second class cities the council consists of one body of not less than five members.

Councilmen are elected by the voters on municipal election day and their terms begin on the first Monday in January in first and second class cities, and on the first Monday in December in third class cities. The term of a select councilman and of a councilman in second class cities is four years; of a common councilman, two years. Councilmen are divided into two classes.

Councils usually meet in regular session once a month. The councils enact ordinances which must be given to the mayor to be signed or vetoed by him. Ordinances may be passed over the mayor's veto in first class cities by a three-fifths vote of all the members of councils; in second and third class cities, by a two-thirds vote.

No ordinance shall be passed except by bill, no bill considered unless referred to a committee; no bill shall be passed with more than one subject; no bill shall be passed finally on the same day on which introduced or reported except in case of emergency; the vote on bills is taken by yeas and nays and a majority is required to pass a bill.

No ordinance may be passed which is in contravention of a State law or for which no authority, either direct or

implied, can be found in the city charter or in laws passed by the General Assembly.

The Mayor. The mayor is elected by the voters on municipal election day, for a term of four years. The term begins on the first Monday in January, except in cities of the third class, in which it begins on the first Monday in December. The mayor cannot succeed himself. In case of a tie vote he is chosen by a joint meeting of the incoming councils.

In case of a vacancy a successor shall be elected for the unexpired term at the next municipal election occurring at least thirty days after the happening of the vacancy. In the meantime, and in cases of inability, the councils in joint session shall choose a person to act as mayor, and until such person is chosen the president of select council shall act as mayor except in Philadelphia, where one of the heads of departments acts instead.

Duties. He shall see that the ordinances of the city and the laws of the State are enforced.

He shall preserve order and peace; and to suppress mobs and riots he has the powers of a sheriff and when necessary he may take command of the police force and appoint special patrolmen.

He shall supervise the conduct of city officers and is responsible for the work of the heads of the departments and may require information from them.

He shall give information on the condition of the city and make recommendations to councils. He may call special meetings of councils.

He appoints, with the consent of select councils, a number of the officers of the city, may remove such officers, and may fill vacancies in offices to which he appoints. In third class cities he appoints the police force, with the approval of select council, and designates one to be chief of police.

He shall sign or veto bills.

He has the power of a justice of the peace, may take acknowledgments, and may perform marriage ceremonies.

Departments — Other Officers. For the better administration of city government, a number of departments with executive duties have been created in cities of the first and second classes. Cities of the third class also have additional executive officers with duties similar to those of the heads of some of the departments in cities of the first and second classes.

Some of these heads of departments and other officers are appointed by the mayor, with the approval of select council, at his pleasure; others are elected by the voters or by councils. In first and second class cities a civil service system has been established for the appointment of subordinate officers. In third class cities heads of departments appoint some or all of their subordinates, but the law requires that these appointments must be made by reason of fitness and not for political purposes. The city of Philadelphia is co-extensive with the county and therefore has also county officers.

City officers in general receive fixed salaries.

For cities of the *first class* the following executive departments have been created:

The Department of Public Safety. This department embraces the Police, Fire, Electric City Property, Building Inspection, Boiler Inspection, Correction, and Elevator Inspection Bureaus. The Director of Public Safety appoints policemen and has supervision of police affairs, the inspection of public buildings, and similar matters.

The Department of Public Works. This department contains the Bureau of Gas, Highways, Lighting, Street Cleaning, Surveys, Water, and Filtration. The Director of Public Works has supervision of the construction of public buildings and sewers, and other matters indicated by the titles of the bureaus.

The Department of Supplies. The Director of Supplies has control of the purchase of all articles and personal property required to conduct the business of the city.

The Department of Public Health and Charities. The

director of this department has supervision of the public health and of the almshouses, hospitals, and similar city institutions.

The Department of Receiver of Texas. All taxes levied in the city are paid to the Receiver of Taxes.

The Department of the City Treasurer. The City Treasurer has charge of the moneys belonging to the city and pays out the public money on warrants drawn on him.

The Department of the City Controller. The City Controller audits the accounts of city officers.

The Department of Law. The City Solicitor is the legal adviser of the city officers and acts as counsel for the city in all its departments.

The Department of Education. See Article X.

A Board of Revision of Taxes is appointed by the judges and this board appoints two assessors for each ward.

A Department of Wharves, Docks and Ferries is established by act of June 8, 1907, and a *Department of Recreation by Act* of June 9, 1911.

In cities of the *second class* the following departments have been established, which correspond in general to the departments of cities of the first class:

The Department of Public Safety, the Department of Public Works, the Department of Charities, the Department of Collector of Delinquent Taxes, the Department of the City Treasurer, the Department of the City Controller, the Department of Law, the Department of Assessors, the Department of Public Health, the Department of Supplies, and the City Planning Department.

In cities of the *third class* provision is made for the following executive officers or departments:

The City Treasurer, the City Controller, the City Solicitor, the City Engineer, the Board of Health, the Water and Lighting Department, the Board of Assessors, and the Department for Administering Charity.

Municipal officers can be *impeached* on complaint of a number of freeholders to the court of common pleas. The court then appoints an investigating committee. Impeachment cases are tried by select council, the judge of common pleas presiding. If convicted the officer is removed from office. A majority of the civil service commission in first-class cities may recommend impeachment.

City Courts. The judiciary of cities of the first class consists of *magistrates' courts*. One magistrate's court is established for every 30,000 inhabitants. Magistrates are chosen on a general ticket by the voters at large for a term of six years. They have criminal jurisdiction in minor crimes and civil jurisdiction not exceeding \$100. They take the place of police courts and aldermen's courts in other cities.

The judiciary of cities of the second class consists of *police courts and aldermen's courts*. A city of the second class has five police magistrates, appointed by the mayor on approval of select council. They hold police court, having the powers formerly exercised by the mayor. In cities containing over 50,000 inhabitants not more than one alderman shall be elected in each ward.

The judiciary of cities of the third class consists of the *mayor's court* or *police court* and of *aldermen's courts*. Each morning the mayor holds a session of police court. He may commit disorderly persons to prison for not more than thirty days.

References in the Constitution. Art. XV; Art. V, Sec. 6, 7, 8, 11, 12; Art. VIII, Sec. 7.

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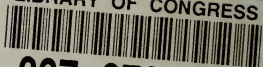
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